

REPORT
OF THE
BRONX PARKWAY COMMISSION

1916



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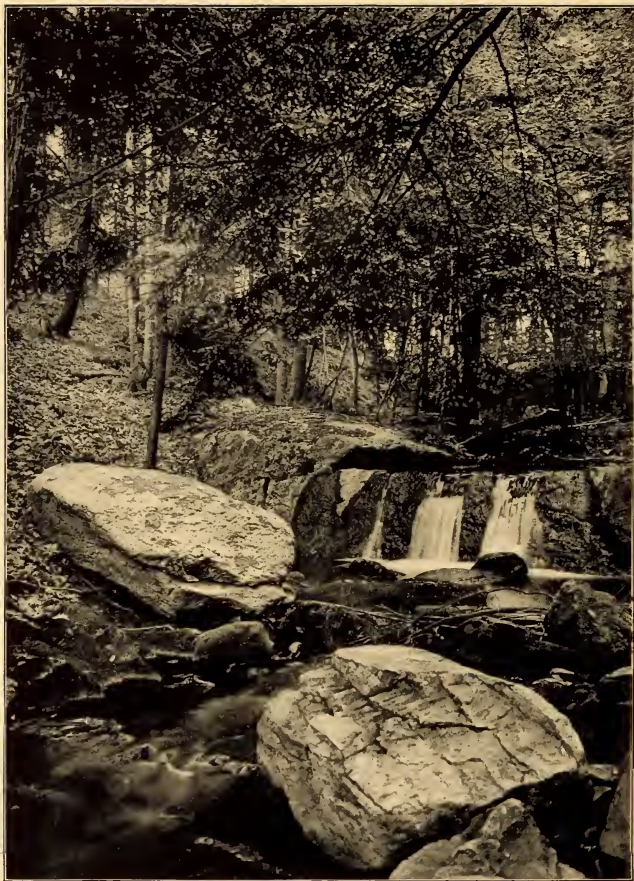
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FOX MEADOW BROOK
A Bronx River Tributary

R E P O R T
OF THE
BRONX PARKWAY COMMISSION

ORGANIZED UNDER CHAPTER 594
OF THE LAWS OF 1907
AMENDED BY CHAPTER 757
OF THE LAWS OF 1913
AMENDED BY CHAPTER 599
OF THE LAWS OF 1916

TO THE GOVERNOR AND LEGISLATURE OF THE STATE
OF NEW YORK
THE BOARD OF ESTIMATE AND APPORTIONMENT OF THE
CITY OF NEW YORK
THE BOARD OF SUPERVISORS OF THE COUNTY OF
WESTCHESTER

JUNE 30, 1916

MADISON GRANT, *President*
WILLIAM W. NILES, *Vice-President*
JAMES G. CANNON, *Treasurer*
Commissioners

JAY DOWNER, *Engineer and Secretary*



SCARSDALE FALLS

On July 5, 1916, five days after the date of this report, Commissioner James Graham Cannon passed away at his home at Golden Bridge, N. Y.

At a meeting of the Commission, held on July 6th, the following was placed upon the Minutes:

James Graham Cannon, Bronx Parkway Commissioner representing Westchester County, passed away, July 5, 1916.

Mr. Cannon was a member of the temporary commission appointed by Governor Higgins in 1906. In 1907 he was appointed by Governor Hughes to the permanent commission authorized by the Legislature that year. He was reappointed by Governor Dix in 1911 and again by Governor Whitman in 1916.

Mr. Cannon's high reputation in the City, State and Nation enlisted immediate interest and confidence in the Parkway project. He clearly foresaw its great value to the City of New York and Westchester County and gave most freely of his time and effort in its behalf. His courage, broad vision, sound judgment, enthusiasm for constructive work, intimate knowledge of the territory involved, and the unusually large measure of public confidence reposed in him have been most vital factors in the success of this great undertaking.

During the seven years pending the City's approval, and the three years of active work since, he has with never failing courtesy worked zealously with his fellow Commissioners and has been a constant source of inspiration to them and to the Commission's working staff.

Mr. Cannon's interests were many and varied. For the City, State and Nation he has done much, but in no work of recent years had he done more than in the Bronx River Parkway, destined, as he knew, to be of tremendous import to the city which he loved to serve and to Westchester County where for twenty years he had his home.



BEFORE ACQUIRING



AFTER

Two pictures from same view-point along the Bronx River, White Plains

*To the Governor and Legislature of the State of New York,
The Mayor and Board of Estimate and Apportion-
ment of the City of New York,
The Board of Supervisors of Westchester County.*

The Bronx Parkway Commission submits herewith its report for the two-year period ending June 30, 1916. This report covers progress made in acquiring lands, in cleaning the Bronx River and the Reservation on either side of the River, in the abatement of nuisances affecting the river and tributary streams, in improvement, forestry and reclamation work, in topographic surveys and the preparation of complete landscape plans for the development of the Reservation, and in condemnation proceedings to acquire the remaining lands.

The Parkway Reservation, as set aside by the Legislature in Chapter 594 of the Laws of 1907, lies partly in the City of New York and partly in the County of Westchester. The cost of the project is to be borne jointly by these two municipalities. The Legislature recognized that, if full control were vested in either one of these municipalities, hardship, or perhaps injustice, might result to the other, which would be called upon to provide its share of the funds without being represented in the controlling board disposing of such funds.

An equitable plan was adopted, which provided for vesting control in a commission of three members, two of whom would represent the City of New York which was to pay the larger share of the cost, and one of whom would represent Westchester County.

The purpose of the Legislature, made effective by the act referred to, was to give the City of New York the option to accept or reject the entire project and it was provided that no expense nor obligation of any nature should be incurred by the Commission until the Board of Estimate of the City of New York had endorsed the project by approving of the acquisition of the lands. The City could, therefore, elect whether or not it should proceed with the development of the



BRONX RIVER,
BRONXVILLE

Parkway. After various investigations, extending over a period of more than five years, the Board of Estimate gave its final approval on June 5, 1913.

With this approval the Commission was empowered to acquire

the land and develop the Parkway and it thereupon became the duty of both the City and the County authorities to provide the necessary funds upon the requisition of the Commission. The Legislature foresaw that, without such mandatory provisions, one of the parties at interest might, by refusing to provide its share of the funds, hold up and seriously interfere with the development of the project against the wish of the other municipality which, having already contributed a substantial share, might desire to proceed.

The Commission, recognizing its responsibility under the rather broad powers conferred by the law, including the right to requisition the City and County for the funds required, determined to justify the wisdom of the Legislature by affording no grounds for criticism of the mandatory provisions of the law and by demonstrating that, in this instance at least, the creation of a special State Commission had resulted in more economical and efficient administration of the matters under its control than could reasonably have been expected from State or City departments. To accomplish this the Commissioners have given unsparingly of their time and energy with the result that the total outlay for salaries and other administration expenses incident to negotiations for, and acquisition of, the lands acquired to date, and including the other activities of the Commission, together with all legal expenses, title insurance and appraisals, is about three and one-half per cent. of the value of the lands acquired.

It is apparent to anyone who is familiar with the usual high cost of acquiring land for public use that, in this instance, the creation of a special commission has been amply justified.

In addition to keeping at a minimum its administration and legal expenses while at the same time securing, through the personal efforts of the Commissioners, the necessary lands for the City and County at prices consistent with their true value, to say nothing of the generous donations and options at a fractional value, the Commission has, with respect to the improvement and maintenance of the Parkway, adhered to a policy recognized as economically sound and having full regard for the City's financial condition.

The Parkway project was initiated primarily to preserve the Bronx River from pollution and to secure at the same time a Parkway of great natural beauty, improved with pathways and a parked drive, connecting the City's park and boulevard systems with the State roads and watershed lands at Kensico Reservoir. Most of its cost will be paid by a succeeding generation. The immediate need was to protect the River from the pollution which was rapidly converting it into an open sewer. Because it is consistent with sound policy as regards park development, and because of the necessity for economy in expenditure, particularly by the City of New York, the Commission has not entered upon a program entailing lavish expenditure for improvements and maintenance. Gradually, however, and by most economic methods the lands and River have been cleared and cleaned, the trees and vegetation restored to a healthy condition, and general improvement work initiated.

In all branches of its work the Commission has afforded the fullest information to New York City and Westchester County authorities, as well as to the public generally, as to all its acts and expenditures. The governing boards of the City and County have been notified as to each parcel of land as soon as a price was agreed



PART OF HEMLOCK FOREST,
A DONATION, SCARSDALE



SEWAGE WAS FOUND EVEN IN PICTURESQUE
SURROUNDINGS

upon and ample opportunity has been given to investigate and submit recommendations to the Commission provided the said authorities were not in agreement with the action taken. The public has been fully informed through the press as to prices

paid and all who have cared could easily be advised as to the manner in which the Commission has discharged its responsibilities under the act.

On June 30, 1914, the Commission reported very fully upon the Parkway project. That report contained a history of the project and a full statement of the Commission's activities to that date. The policy followed by the Commission in acquiring lands in the Reservation and with respect to the management of the property under its control was described in detail. The report of the Commission's work for the year ending June 30, 1915, was prepared and filed but, for reasons of economy, its printing was not authorized. The following report will therefore deal with the activities of the Commission during the two years ending June 30, 1916, and what it expects to accomplish in the near future. At this point it may be well to briefly summarize the policies adhered to during the three years since the Commission was authorized to acquire the lands in the Reservation, which are as follows:

1st—To acquire the twelve hundred odd parcels of land in the Reservation at fair and reasonable values, keeping the cost of acquisition and legal expenses at the lowest figure commensurate with satisfactory work.

2nd—To abate pollution, clean up the lands and purify the Bronx River, eliminate billboards, remove buildings, restore natural conditions, protect vegetation and promote healthy tree growth.

3rd—To proceed with permanent improvement work as rapidly as practicable, having due regard to

financial conditions and economic considerations governing Parkway work.

4th—To resort to condemnation proceedings to acquire the remaining lands only after exhausting all possible efforts to agree with owners on a reasonable basis, and where necessary because of defective titles.

The aggregate value of lands acquired by direct purchase since the Commission's last report, including interest on contracts and taxes and assessments accruing prior to the date set for taking title, is \$2,082,389.44, making total to date \$3,810,271.89, and, in addition, there are lands under contract to the value of \$162,030, making aggregate value of lands acquired or under contract by direct purchase to June 30, 1916, \$3,972,301.89.

Of the above gross amount \$186,367.17 represents interest accruing between the time set for closing contract and the date upon which the funds were actually available for taking title, together with taxes and assessments accruing during the said period, or assessments levied by the City of New York in street-opening proceedings allowed for in the purchase price, so that the net cost of lands, less these items, was \$3,783,934.72.

In addition to acquiring land since the last report, the Commission has removed or demolished approximately 275 old buildings standing upon Parkway lands, razed the foundations, filled up the cellars and graded the lands. From the sale of these buildings the Commission has realized \$41,782.04, and has collected in rentals \$21,986.62. These funds, together with small amounts received from other sources, were deposited with the County Trust Company of White Plains, and the Commission has received interest at the rate of 2 per cent. on daily balances. A detailed statement of the total receipts to date, with accrued interest, is shown in



REMOVING BUILDINGS FROM PARKWAY,
THE BRONX



PORTION OF NEW NURSERY CRESTWOOD

the Treasurer's report hereto annexed.

On January 1, 1916, the amount available was slightly in excess of \$50,000. These funds were needed for improvement purposes and, if so used, would reduce the amount required

to be appropriated by the City of New York and the County of Westchester for construction work. The Commission, therefore, requested the Board of Estimate and Apportionment of the City of New York, and the Board of Supervisors of Westchester County, to authorize the turning over of such funds to the Comptroller of the City of New York to be placed to the credit of the Commission, and to be disbursed by him upon the requisition of the Commission to defray the cost of improvement work. Both of the said Boards approved this procedure and on March 30, 1916, the Commission deposited with the Comptroller of the City of New York an amount of \$50,000, which amount was credited to the account of the Commission, to be used in the improvement of Parkway lands.

One hundred and fifty-four separate cases of pollution have been discovered and offenders notified, with the result that, in most instances, the nuisances have been abated. Those still pending will be speedily adjusted. This work necessitated most careful scrutiny of tributary streams, as well as the testing of plumbing systems in a large number of dwelling houses and business buildings.

In connection with the forestry work all trees on the Reservation have been cared for excepting on small areas not yet acquired; dead or defective trees have been removed and live ones trimmed or treated as required. In the nursery, established two years ago, more than 55,000 trees and shrubs have been propagated and are now available for transplanting throughout the Reservation.

The Bronx River has repeatedly been cleaned throughout its length of fifteen miles and an enormous quantity of debris and obnoxious material removed therefrom. More than sixty

large and offensive billboards have been abolished. Throughout the Reservation a vast amount of cleaning work has been done and, as fast as acquired, the lands have been restored to a natural and wholesome condition, and the development of trees and other natural features encouraged.

What has been done in the work of reclaiming the River from its former polluted state and restoring natural and wholesome conditions in the Parkway Reservation, is best shown by the photographic record from which typical sets of views, showing conditions before the Commission took jurisdiction over the lands and after preliminary treatment, are shown throughout the pages of this report.

In connection with property and topographical surveys 248 permanent monuments have been set, marking boundaries adjacent to private lands; detailed and accurate topographical surveys covering 1,044 acres have been completed and general improvement plans prepared for the entire Parkway between Bronx Park and Valhalla. Negotiations have been successfully concluded to insure the erection of bridges and viaducts of artistic design within the Reservation at Gun Hill Road, The Bronx; at Broad Street between Mount Vernon and Yonkers; at White Plains opposite Woodland Place, and at Hamilton Avenue; also at Yonkers Avenue, Tuckahoe. Further negotiations are still in progress on designs for bridges at East 241st and East 238th Streets. The River has been diverted away from the unsightly rock filled railroad embankment for a considerable distance at North White Plains under the direction of the Commission but at the expense of the Railroad Company, and the large spoil bank, left by the Bronx Valley Sewer contractors above Scarsdale Station, has been removed. General grading work has been done to level off rough sections and fill depressed spots.



PALMER AVENUE BRIDGE, BRONXVILLE

Excavation is well under way for a large lake at White Plains and a substantial proportion of the grading work required between Bronx Park and Gun Hill Road has been completed.

Playgrounds have been placed at the disposal of local associations at Bronxville, Tuckahoe and White Plains. These grounds, temporarily set aside by the Commission, have been equipped, maintained and conducted at the expense of the local organizations with very gratifying results. Space has also been provided in many sections throughout the Parkway to be used by baseball and football teams and numerous games have been played.

The condition of the River, itself, has constantly been improving with the elimination of nuisances and, with the exception of the section below the East 235th Street sewer, its condition this season is so satisfactory that it has been used to a surprisingly large extent by bathers. On ordinarily hot days between 1,000 and 1,500 bathers have been using the River which affords relief to large numbers who, owing both to distance and quarantine regulations, are deprived of the use of the beaches.

The Commission has endeavored to acquire and develop this great Parkway without extravagance or waste in any particular. To this end a large amount of personal work has been done by the individual Commissioners, especially in connection with negotiations for lands by direct purchase, which has resulted in marked economy and more satisfactory results in every respect than could have been realized through the medium of special agents. In all the Commission has held three hundred and fifteen meetings in addition to almost continuous attention from the individual Commissioners by trips over the fifteen miles of Parkway.

The expenses incident to negotiations, including cost of appraisals, etc., and for fully acquiring the lands in the Reservation, together with title search, policies of title insurance, legal expenses, etc., is believed to constitute a record for economy in proceedings of this sort as will be shown by the following table of percentages of total expenditures made by the Commission to January 1, 1916:



POLLUTION AND OBSTRUCTION ABOVE BOTANICAL GARDENS
THE BRONX



AFTER VIEW

Cost of lands fully acquired on or before January 1, 1916, including interest, taxes and assessments	\$3,602,927.43	92.76%
Real estate appraisals, title examination and title insurance	28,430.02	0.73%
All law expenses.....	15,376.35	0.40%
Administration expenses, including salaries of Commissioners and office employees, rent and incidental expenses.....	90,599.32	2.33%
Engineering Department, and for surveys acquired by contract.....	64,097.46	1.65%
Forestry, maintenance and improvement, including new construction.....	59,866.63	1.54%
Personal property	8,400.59	0.22%
Stores.	5,997.45	0.15%
Miscellaneous.	8,338.64	0.22%
TOTAL DISBURSEMENTS TO JANUARY 1, 1916.....	\$3,884,033.89	100.00%

A financial statement, together with tables containing distribution of cost for the various items of the Commission's work is appended to this report.



SCARSDALE LAKE



IN THE PARKWAY RESERVATION

ACQUISITION OF LANDS



FLOODED LANDS ABOVE WHITE PLAINS

The methods adopted for acquiring lands were fully described in the Commission's last report and no good reason has been found for departing from the procedure outlined therein. The various efforts made to compel the Commission to resort to condemnation proceedings before exhausting all

reasonable efforts to acquire lands by direct purchase, have been unsuccessful. The charges preferred against the Parkway Commissioners before Governor Glynn by three citizens of Westchester County in 1914, were dismissed without a formal hearing before the Governor, and the application for a peremptory writ of mandamus, brought by former Justice Charles F. MacLean in 1914, to compel the Commission to condemn his lands in the Reservation, was denied and, on appeal, the Appellate Division unanimously affirmed the decision of the lower court. These attempts to force the Commission into premature condemnation proceedings are described in more detail in report of Counsel hereto attached.

The Commission continued actively its negotiations with the several hundred property owners whose lands had not yet been acquired. The standard values, adopted after exhaustive study and consideration of the reports of numerous appraisers and other experts, and examination of lands by the Commission, were adhered to. In very many cases property owners, who had refused to accept these values, finally admitted that they were fair and reasonable and contracted to sell their lands. For thirty-four of the parcels acquired the owners asked \$714,923.93, and the Commission paid, with interest, \$237,993.35; the saving being \$476,930.58, or two-thirds of the asking price.

A persistent search was made to locate absentee owners, whose addresses the Commission had heretofore been unable to discover, and these efforts resulted in finding the owners, or authorized representatives, of all but 20 parcels in the Reservation. In a large majority of cases the owners, so located, after investigating the Commission's methods and uniform values offered, accepted the Commission's standard value for their lands.

On June 30, 1916, the Commission had acquired, or secured by contract, about two-thirds in value of the lands in the Parkway Reservation. Of the remaining one-third, more than one hundred parcels represented a considerable area consisting of lands of the New York Central Railroad Company for which active negotiations are in progress and which will, no doubt, be acquired by direct purchase. The titles to a considerable number of the others were found to be either defective or so involved that it was necessary to resort to condemnation proceedings to secure good title. With the owners of the residue the Commission had so far been unable to agree upon the values to be paid that, with but few exceptions, further negotiations were deemed useless. The Commission believed that it had offered all that these lands were worth and did not feel justified in purchasing at higher prices. The owners, on their part, were unwilling to accept these offers; some no doubt because of a sincere belief that the Commission's prices were inadequate, although they had not been able to present competent evidence in support of greater value. Others undoubtedly refused to sell direct in the hope of securing, through the medium of a condemnation board, amounts considerably in excess of what the Commission, after an exhaustive study



LANDS ACQUIRED BY DIRECT
PURCHASE

extending over a period of several years, would feel justified in paying.

To acquire by direct purchase from all those owners in the Parkway who were competent to convey would, of course, have been the ideal condition, and the Commission endeavored to be so fair and its efforts were so persistent that nothing further could be done to attain this result.

In view of the many extravagant awards made for lands acquired in other condemnation proceedings it was to be expected that some property owners would adhere to their determination to resort to such proceedings in order to secure, if possible, awards at least very liberal, if not considerably in excess of the real value of their lands. The Commission afforded every opportunity to negotiate directly and gave ample notice to all, particularly to those less well informed, or of foreign birth, to sell their lands directly to the Commission without expense and receive promptly cash therefor. The delays and expenses inevitably attendant upon condemnation proceedings were explained and, in those cases where the lands to be taken represented the entire holdings of their owners, the advantages of selling direct were made clear. Such owners were urged to submit to the Commission all possible evidence in support of their demands and, in order that such facts might be brought directly to the attention of the individual Commissioners, more than one hundred and twenty-five hearings have been held.

The Commission has spared neither time nor effort to acquire the twelve hundred odd parcels of land within the limits of its jurisdiction by methods which would insure a just and reasonable return to the seller, fair and adequate value to the public, which is the buyer, and with the cost incidental to acquisition kept at the minimum. The Commission, therefore, finds itself well rewarded for its efforts in that it has been able to agree with more than three-fourths of the owners who are competent to convey good title to their lands. The total cost for all real estate and building appraisals, for examination and reports upon titles, for title insurance, and for all legal expenses incidental to the acquisition of lands, aggregates slightly over one per cent. of the value of the lands acquired. This is believed to constitute a record in the acquisition of lands for public use both as to the percentage of lands acquired by direct purchase at reasonable prices and as to the expense of acquisition incidental thereto.



BEFORE



AFTER



BRONX RIVER BATHERS

The parcels of land acquired are scattered throughout the length and breadth of the Reservation from Bronx Park to Kensico Reservoir and are representative of every section. It is believed, therefore, that the large

number of purchases made, including parcels typical of all parts of the Reservation, and at prices consistent with each other, evidencing the willingness of a large proportion of the owners to accept the Commission's standard values, will be effective in establishing values before a condemnation board and will operate against unequal or excessive awards. The Commission, therefore, believes that, with the vast amount of information relative to land values throughout the Reservation, the large number of reports from expert appraisers on file, the record made of purchases of the greater part of the lands at uniform standard values, and the familiarity of the Commissioners, its legal and engineering staff, with each individual parcel, evidence can be presented so conclusive as to result in speedy determination and awards consistent with true values.

Before instituting proceedings to acquire the residue of lands by condemnation, the Commission invited proposals from the recognized title companies for examination of titles, certification of owners' and lienors' names, and full reports upon the status of ownership of all parcels remaining to be acquired. It was recognized that such examinations could be made, and reports rendered, by a title company with its systematized records and trained investigators, more expeditiously and at much less cost than would be incurred if the Commission endeavored to secure this information through its own office force.

Upon receipt of proposals from the three companies operating in the territory to be covered, a contract was awarded, at a very reasonable figure, to the New York Title and Mortgage Company, which was the lowest bidder. These reports have been obtained and most of the voluminous work inci-

dental to preparation for condemnation proceedings under the Code of Civil Procedure, which must be followed by the Commission and which requires the determination of, and personal service upon, each claimant or lienor, has been disposed of. Some idea of the tediousness of the procedure and amount of work involved may be obtained by reference to report of Counsel appended hereto.

Condemnation commissioners have been appointed and qualified, and the Parkway Commission thereby put in possession of the remaining lands up to and including White Plains within the past few months. The lands north of White Plains will be included in a later proceeding now in course of preparation.

For the purposes of condemnation proceedings, the Parkway area was divided into six sections, the plan being to apply to the Court, as rapidly as jurisdiction over the claimants in a given section could be obtained, for the appointment of a commission of three men for each section, or six different sets of commissioners of appraisal for the entire Parkway area to be condemned. This plan has been adhered to upon the five general proceedings already well under way, and it is gratifying to note that in each case the Courts have appointed commissioners of high reputation and experience, who have taken up their duties seriously and in an earnest effort to expedite the proceedings.

The Commissioners of Appraisal appointed in the five proceedings now in progress and the respective sections under their jurisdiction are as follows:

In Proceeding No. I, including lands to be condemned in the Bronx between Bronx Park and MacLean or Neried Avenue, Mr. Justice Mullan appointed.

Cyrus C. Miller,
Chairman,

Richard W. Lawrence,
Lee Parsons Davis



TEMPORARY CHILDREN'S PLAYGROUND

In Proceeding No. II, the White Plains section, Mr. Justice Tompkins appointed: John R. Delafield, *Chairman*, Frank S. Reynolds, James Dimond.

In Proceeding No. III, the section between Midland Avenue, Bronxville, and Crestwood Station, Mr. Justice Young appointed:

Austin K. Griffen, *Chairman*, Gideon H. Peck.
Henry K. Davis,

In Proceeding No. IV, the section between Crestwood Station and Scarsdale, Mr. Justice Tompkins appointed:

Herbert A. Knox, *Chairman*. Dan C. Nolan,
James F. Secor.

In Proceeding No. V, the section between New York City line at MacLean or Neried Avenue and Midland Avenue, Bronxville, including West Mount Vernon, Mr. Justice Young appointed:

Martin J. Keogh, *Chairman*, Walter W. Westall,
Harry D. Whittle.

Schedule E, appended to this report, contains a list of the parcels of land acquired by direct purchase since the last report, dated June 30, 1914. The area and purchase price of each parcel of land acquired by separate contract are shown in detail. It is worthy of note that in the policies of title insurance which cover parcels of land acquired by direct purchase to date, in no single instance does a survey exception appear.

Table G, attached to this report, contains a list of the parcels of land acquired to date in condemnation proceedings by virtue of the filing of the oaths of the commissioners of appraisal above mentioned.

In the first proceeding, brought in Westchester County, attorneys for one of the defendants opposed the judgment of condemnation on the ground that the Act was insufficient and unconstitutional in that it did not clearly provide for payment of the City's share of interest accumulating on awards. To clarify this provision, as well as other sections of the Act relating to condemnation proceedings, and to enable the Commission to grant needed easements to municipalities for the construction of roads and bridges across Parkway lands, a bill to amend the Parkway law was introduced in the Legislature and became Chapter 599 of the Laws of 1916.

The Parkway Law, Chapter 594 of the Laws of 1907, as amended by Chapter 757 of the Laws of 1913, and Chapter 599 of the Laws of 1916, is annexed to this report.



NEAR FLEETWOOD AVENUE, YONKERS

CLEANING AND PROTECTING THE RIVER



BEFORE

Filthy condition of river at Williamsbridge

Just how many sources of pollution contributed to the defilement of the Bronx River could not be fully determined until the long period of drought in the summer and fall of 1914 made it possible to detect insidious seepage from blind drains or skillfully concealed outlets through which sewage and other

forms of pollution found its way into the bottom of the River. Advantage was taken of the opportunity afforded by the absence of storm water or ground flow to scrutinize with the minutest care both the immediate banks and the environs of the Bronx River as well as its tributary streams, aggregating more than twenty-nine miles in length. The larger and more flagrant violators of sanitary decency had already been discovered, and in most instances the nuisances had been abated. In order to determine the exact source of much of the pollution discovered during the dry season, it was necessary in some cases to test out the plumbing systems of whole blocks of houses, and particularly in the case of Davis Brook, running through the center of the Village of White Plains, the color test applied to the plumbing systems of every building along or near the brook to determine which ones were discharging their sewage into the stream instead of into the village sewer system revealed many flagrant and offensive cases. The immediate environs of the River had already been cleaned up, so that the sanitary work during the past year has related more particularly to the tributary streams which, owing to their very character, render detection more difficult. In the case of the MacLean and tributary brooks, originating in the Town of Greenburgh, northwest of White Plains, many cases of pollution were discovered near the headwaters where the

streams were little more than swamps, receiving overflow from cesspools, and providing dumping grounds for stable refuse, drainage from pig pens, etc.

In all, 154 violators of sanitary decency were discovered, and upon each party responsible therefor a formal notice was served allowing twenty days in which to abate the nuisance. While it was not reasonably possible to secure remedy in all cases within the time fixed, extensions in some cases were allowed where commendable efforts were being made to provide a remedy. The Commission adopted Sanitary Regulations as follows:

No. 1: No sewage, factory waste, oils, oily substances or pollution of any kind or character shall be discharged into the Bronx River, or upon lands in the Bronx River Parkway Reservation, or into any tributary brook, stream, storm sewer or drain flowing into the Bronx River, or in any manner whatsoever which might result in polluting the Bronx River or lands within the Parkway Reservation.

No. 2: No ashes, garbage, fecal matter, waste paper, excavated materials, old metal or refuse matter of any character shall be deposited in or near the Bronx River or upon lands of the Bronx Parkway Commission, and no such refuse or other materials shall be deposited in or along brooks, drains or storm sewers tributary to said Bronx River, in such manner as shall result in polluting the waters of the River; except that, upon proper application, the Commission may consent to deposits of earth, rock or other materials suitable for filling purposes in such locations and under such specific regulations as may be prescribed.

A copy of these regulations was forwarded to each one responsible for a violation, together with formal notice allowing twenty days within which to correct unsanitary conditions.

The Commission's sanitary experts conferred with many of those who were responsible for violating the sanitary regulations, and offered effective suggestions and advice as to the most practicable method of eliminating such



AFTER

Same view after filth and rubbish had been removed

nuisances. Where the owners were not willing to co-operate the Commission notified them that it would resort to legal proceedings but, up to this time, it has not been necessary to actually bring legal proceedings to secure a remedy in a single instance. While some cases were trivial and not particularly offensive, taken in the aggregate they seriously polluted the River, so that the Commission found it necessary to take up each particular case, no matter how small. Some of the more serious cases may be briefly described.

White Plains Gas Works

At the gas plant of the Westchester Lighting Company in White Plains large quantities of gas tar and oil were discharged upon the surface of the ground in the Gas Company's yards. During times of heavy rainfall these substances were washed into Davis Brook, one of the tributaries of the River running through White Plains, and so found their way to the River. Some of this heavy oil and tar was precipitated and settled in the mud at the bottom of the River; the balance flowed over the surface of the stream or, carried by high water, collected on weeds, grass, etc., along the shores, and with the lowering of the surface of the stream settled in stagnant pools and eddies. A chemical analysis disclosed that these gas tar and oily substances were detrimental to human, animal and marine life, and capable of destroying high and low forms of vegetation. The gases and volatile units, if confined under pressure, might lead to disastrous results. They would also prevent the successful propagation of fish, and were believed to be responsible for the scarcity of frogs which, as tadpoles, are valuable scavengers along the River.

Notice was served upon the Westchester Lighting Company in December, 1913, to abate this pollution. When informed as to the purpose of the Commission the Lighting Company expressed its desire to co-operate and in due time installed a filtration plant for screening and filtering the oily ingredients. It also cleaned out the mud from the sides and bottom of Davis Brook in order that the heavy oils deposited might not find their way into the Bronx River. After experimenting at length with this system it was found to be entirely inadequate to meet the Commission's requirements, as at certain periods, particularly during the rainy season, a large quantity of heavy tar and oily substances would percolate through the filters



BEFORE



AFTER
Bronxville

or flush out from the ground into Davis Brook and the Bronx River. Finally, in order to meet the Commission's requirements, the Lighting Company installed an elaborate filtration system, including tar and oil separators, settling tanks and sand filters. This plant is now installed and in use and, while not yet one hundred per cent. perfect, it has succeeded in eliminating practically all of the objectionable substances, the quantity of gaseous fluids reaching Davis Brook now being almost negligible. This separating and filtration plant is said to have been installed at a cost to the Lighting Company of approximately \$5,000. It is fair to assume, however, that a reasonable return on this investment will accrue to the Company in the value of the oil thus saved to be used as fuel.

The brook at Valhalla, also called Davis Brook, which since the erection of the Kensico Dam has supplied the headwaters of the Bronx River, flows through the business section of Valhalla and several buildings have been erected squarely over the brook, which receives sink drainage and other pollution, including overflow from a number of cesspools in the vicinity. This part of the brook is outside of the limits of the Parkway Reservation and, after considerable effort on the part of the Commission to secure a remedy for this case, the residents of Valhalla and officials of the Town of Mount Pleasant suggested that the Commission acquire, jointly with them, under authority of the Parkway law as amended, a protective strip on each side of the brook to be developed as a local park connecting with the Parkway Reservation and insuring adequate park development to the Valhalla Station which would thus become the logical gateway to the Kensico Reservoir with its huge dam of great architectural beauty and other landscape features of no mean importance. Upon petition of the Town Board of Mount Pleasant the matter was taken up by the Commission; options were secured from the owners of the lands; the necessary authorization was made by the Town Board of the Town of Mount Pleasant and the Bronx Parkway Commission and the strip along Davis Brook, consisting of eight parcels with area of 1.958 acres is now under contract for purchase with the exception of one parcel which it will probably be necessary to condemn. This strip will be developed in harmony with the treatment of the Bronx River Parkway Reservation in that vicinity.

In a number of places private trunk sewers, serving groups



KENSICO RESERVOIR AND DAM, PARKWAY TERMINAL

of houses and apartments, were discharging sewage into the Bronx River. Some of the worst of these were located at Hartsdale, Tuckahoe, Williamsbridge and at White Plains, where it was found that Davis Brook was used as a sewer for a large number of buildings occupied by from one to ten families. The Commission found many violations, where it was entirely practicable to connect with sanitary sewers, draining into the Bronx Valley trunk sewer. It appeared, however, that while municipal sewer systems along the Bronx Valley had been connected with the trunk sewer, the individuals or private corporations continued to discharge their sewage into the Bronx River until protests were received from the Commission. Three particularly difficult cases were found in the vicinity of North White Plains and Valhalla, namely: the sewage from railroad buildings and roundhouse at North White Plains, the oily discharge from the Pumping Station of the Castle Heights Water Company, and laundry and sink water from the Kerbaugh Construction Camp at Valhalla, the



"BEFORE AND AFTER TAKING"
Two pictures from same view-point, White Plains

latter being in considerable quantity. In each instance more adequate facilities were installed and the Commission's requirements met.

The most serious case of pollution, however, and the most difficult to find a remedy for, is a public sewer in the Borough of The Bronx, discharging into the Bronx River from East 235th Street. This is a 48-inch trunk sewer built primarily as a storm water sewer but, during recent years, there being no sanitary sewers in the Woodlawn Heights section, the City authorities have issued permits for sanitary sewer connections with this storm sewer with the result that there is now a considerable quantity of raw sewage discharging through it into the River. The Commission has wrestled with this problem for more than three years and has brought all possible pressure to bear upon City authorities to provide means for diverting this sewage from the Bronx River. The problem is a serious one, there being no trunk sewer in Webster Avenue nearer than Bedford Park, to connect with which would necessitate laying a long stretch of sewer between lands of the Woodlawn Cemetery and the Railroad, property not benefited, so that the assessment upon the property which was benefited would have been prohibitive. The City authorities, therefore, were desirous of connecting with the Bronx Valley trunk sewer but definite arrangements could not be made during the pendency of the action brought by the United States government and by the New York City interests to prevent the discharge of raw sewage, through the Bronx Valley sewer, into the Hudson River, as the City authorities did not want to divert any sewage into this channel while they were at the same time objecting to its use by others.

This situation was responsible for considerable delay despite the Commission's urgent protests. The Health Department has been urged from time to time to assist in the matter and they lent their best efforts towards finding a solution. The installation of purification works as a temporary expedient was discussed and finally the engineers prepared designs for an inverted siphon to be built under the Bronx River and tracks of the New York Central and New York, New Haven and Hartford Railroad Companies, to connect the East 235th Street sewer at Webster Avenue with a small sewer on the other side of the Bronx Valley running south along Bronx Boulevard. Investigations showed that such



UNSANITARY CONDITION OF LANDS BEFORE
ACQUIRING, THE BRONX

connection could be made and the sanitary sewage from practically all of the Woodlawn Heights section thus diverted a way from the Bronx River. The Bronx Borough engineers have developed this plan which is now before the Board of Estimate and Apportionment

for approval. It is expected that their approval will be obtained at an early date and, in the meantime, the Borough authorities are conducting the necessary negotiations with the New York Central and New York, New Haven and Hartford Railroad Companies for the easements required for the location of the siphon across their lands.

Many more violators of special importance might be cited but sufficient has been given to show that the Bronx River was in reality rapidly becoming a foul sewer and that measures for its protection and purification were adopted none too soon.

A systematic cleaning of the River throughout its length in the Parkway Reservation was already in progress at the date of the Commission's last report, but the long period of dry weather during the late summer and early fall of 1914, with resulting low water in the Bronx River, afforded an unusual opportunity for thoroughly cleaning the River and removing sunken logs and other debris which had become partially or wholly imbedded in the River bottom. Debris in infinite variety was extracted from the River's depths. Buggies, tea-kettles, bicycles, wagon wheels, boxes, bedsprings, automobile bodies, wash boilers, stoves, utensils of every description, and particularly hot-water heating tanks, were brought forth in astonishing numbers, to say nothing of the sunken trees and logs, the removal of which required strenuous efforts with heavy equipment.

Most of this material was partially, if not entirely, buried in the mud bottom and could only be located by thoroughly forking and raking the stream. Cleaning the River in this



DEBRIS EXTRACTED FROM RIVER BED

Hundreds of wagon loads were hauled away and buried

manner throughout its length of fifteen miles in the Reservation stirred up the polluted slime and mud bottom, saturated with gaseous oils and sewage of every description, and much of this filth was flushed off with subsequent rains, which scoured out to a considerable extent the slime and sediment formerly obstructed by debris. Following several heavy rains, with good scouring effect, it was found, after the water had subsided, that there were still many articles not discovered at the first cleaning, buried deeper in the mud but now exposed. The River



SEEN AND UNSEEN OBSTRUCTIONS
EMBEDDED IN RIVER BOTTOM



WEeping Willow

was therefore raked over again and still again. In fact, some sections have been cleaned on four separate occasions, each operation bringing to light relics of an earlier period than the one before.

The material taken from the River was piled along the shore and later used for filling in low spots in the Reservation. A typical section of this debris is shown in an accompanying photograph.

As a result of all this work the River, particularly above the East 235th Street sewer, affords healthful bathing for large numbers of people. The Commission is also re-stocking the River with fish, a hatch of 1,000,000 perch having been obtained from the New York Aquarium through the courtesy of the New York Zoological Society.



FORMAL GARDENS, HARTSDALE

Developed by private interests and deeded to the Commission

RECLAMATION AND IMPROVEMENT WORK

With the limited funds at its disposal for maintenance and improvement work during the past two years the Commission, in addition to cleaning up the River, continued its forestry work, greatly enlarging its nursery, and using its available resources in restoring the Parkway lands to a wholesome, natural condition. These efforts have been conspicuously successful and have resulted in a very marked improvement throughout nearly all the Reservation. In some sections nothing could be done owing to the unwillingness of owners to allow the removal of billboards, or the cleaning up of their properties, until the lands had been fully acquired and paid for, but such cases have been rare, and those who have observed the condition of the Reservation for some years past have commented most favorably upon the marked improvement shown.

No effort has been made to formally improve any section of the Reservation. At Hartsdale and Scarsdale Stations charming parks were developed by real estate interests before the lands were turned over to the Commission and these have been maintained, but the Commission's own work has been



NATURAL PARK, SCARSDALE

directed toward grading, improving soil conditions, encouraging the healthy and symmetrical development of trees and other plant growth, grading and filling low spots and unsanitary pools, removing unsightly debris, brush, dead trees, etc., and particularly breaking down old foundations, disposing of materials, and covering the sites of old buildings with soil covering adequate to support plant growth.

To obtain proper conditions around old building sites was a work of considerable magnitude as will be appreciated when it is recalled that approximately 275 buildings have been removed from the Reservation. In each case the foundation walls and cement floors had to be broken up and removed to a depth considerably below the finished grade in order to insure good soil conditions.

Forestry

The forestry work has been continued since the last report with a slightly larger force than formerly. This work has now covered the entire Reservation with the exception of a few tracts, the owners of which were unwilling to allow the Commission's foresters to trim and prune until the lands had



EVERGREEN NURSERY, FIRST-YEAR PLANTING

been acquired, and also with the exception of that portion of the Reservation between Hopkins Avenue, White Plains, and Valhalla. The tree work in this latter section will be completed during the next few months. Since the last report

14,959 trees have been trimmed.

4,183 trees have been treated.

2,211 dead or infected trees have been removed from the Reservation, and there are now

56,485 trees and shrubs in the nursery ready for transplanting in the Reservation.

The Commission's tree-trimming and surgical work has been unusually well done and has stimulated owners of wooded tracts along and in the vicinity of the Reservation to care for and protect their trees. The permanent filling of large cavities, deferred until it could be determined whether all of the infected area had been removed, has been taken up this season and at this writing has been done throughout the New York City section from Bronx Park to the New York City line.

The methods followed in caring for the forest growth in the Reservation, including the protection of areas infested by insect enemies, have been interestingly detailed in the report of the Consulting Landscape Architect and Forester appended hereto.

Nursery

The nursery, established during the early part of 1914, was a demonstrated success as to location and soil and it has therefore been greatly enlarged and a very considerable amount of new stock planted. Many thousands of additional cuttings, obtained through the courtesy of the Forester of the New York Zoological Park, have been set out and in a short time will be available for transplanting in the Reservation. The last inventory shows 56,485 trees and shrubs in the nursery. Most of this stock will be available next spring for needed screening and planting of denuded areas and those sections will be planted first where heavy screening is most necessary.

The New York Zoological Park has also made it possible to obtain fertilizer in large quantities without cost except for carting from manure pits in the Park. This material is stored at fixed points throughout the Reservation, where it will be cured and ready for use in connection with planting work next spring.

River Diversions

An important River diversion in the vicinity of North White Plains has been completed during the past year without expense to the Commission. The Railroad Company found it necessary to slightly divert the River to make room for widening their embankment and, in acquiring the adjacent tract, had secured the right to relocate the River in a new channel to be excavated by them, one-half upon railroad lands and one-half upon the adjoining tract in the Reservation but not yet acquired by the Commission. In negotiating for this adjoining parcel the Commission secured from the Railroad Company the right to divert the River still further away from the rock-filled embankment; the Railroad Company to apply to the cost of such diversion the estimated cost of the diversion originally proposed by it, amounting to \$2,400, and the new diversion to be made by the Commission.

The topography of this section was particularly rough and difficult to develop satisfactorily. An old quarry pit of nearly thirty feet in depth and about one hundred feet in diameter remained from former lime kiln operations and a part of the property was covered by a swamp which required drainage. By diverting the River through the old quarry pit, a picturesque feature was developed and, by continuing the diversion through the swamp, drainage was provided and an opportunity afforded to ultimately develop a small lake. Upon completion it was found that the cost of the entire work was within the amount appropriated by the Railroad Company so that a considerable improvement has been made without expense to the Commission other than for engineering services and inspection.

Similar diversions will be required at a number of points in the Reservation, such as opposite the new White Plains Railroad Station, where the railroad embankment slopes directly to the River, requiring radical relocation in order to provide room for planting the River banks as well as to screen barren railroad slopes.

The large spoil bank, left by the Bronx Valley Sewer contractors, above Scarsdale Station, was removed by contract and part of the material used to fill up a stagnant pool in the vicinity. A very favorable bid was obtained for this work.

River diversion at North White Plains, cost of which was paid by Railroad Company



BEFORE DIVERTING



DIGGING NEW CHANNEL



RIVER DIVERTED THROUGH OLD QUARRY PIT



SPOIL BANK LEFT BY BRONX VALLEY SEWER

Removal of Buildings

Of the 355 residential, business and manufacturing buildings, including stables, etc., in the Parkway Reservation, approximately 275 have either been demolished or removed from Parkway lands. Others are in process of

removal and still others will be sold for demolition or removal as soon as pending contracts are closed. Excepting in those few cases where buildings, owing to their situation and character, can be used in connection with Parkway development for temporary field headquarters, storage of tools, instruments, etc., the Commission arranges to dispose of them as soon as possible after title is vested.

Buildings are sold under sealed bids to the highest bidder after having been advertised ten to fifteen days in advance of the sale. Printed notices are also mailed to all persons, or corporations, who have filed their names in the office of the Commission for this purpose. All buildings are sold subject to the rules and regulations adopted by the Commission. Nine building sales have been held during the past two years at which were received a total of 774 bids from 250 separate bidders.

Buildings, for which no satisfactory bids were received, were subsequently sold after informal bidding to avoid the cost of re-advertising. The method of selling buildings by sealed bids in preference



REMOVED AND RIVER BANK GRADED

to public auction tends to prevent collusion among bidders and, in nearly all cases, results in higher prices being obtained and in a considerable variation in the bidding, for the reason that those who desire to obtain particular houses are constrained to bid more nearly what they are worth to them than they might do in an open auction. To illustrate the variation in bidding, an example is taken from the sale held on June 5, 1916, as follows:

DWELLING HOUSE ON SHEET 1—PARCEL 13

Bid No. 1.	\$ 25.00
Bid No. 2.	25.00
Bid No. 3.	150.00
Bid No. 4.	426.00
Bid No. 5.	1,030.00
Bid No. 6.	1,025.00
Bid No. 7.	1,200.00
Bid No. 8.	1,104.00
Bid No. 9.	1,135.00
Bid No. 10.	1,513.00

It will be observed that the highest bid of \$1,513 is more than sixty times as much as the low bid of \$25. In such cases the high bidder is usually an owner of property in close proximity to whom the building will be particularly valuable.

The Commission has received to date from sales of buildings \$41,782.04 and has expended for advertising a little over 8 per cent. of this amount. There has been collected in rentals from buildings acquired, and prior to their removal or demolition, \$21,986.62; the loss sustained from uncollected rents being less than 3 per cent.

The Commission also arranged with City authorities to sell for immediate removal the buildings acquired by the City situated in the bed of Bronx Boulevard between Gun Hill Road and East 233rd Street. These buildings were unsightly and in a dilapidated condition and were earning very little revenue in rentals. Upon their removal the Com-



ITALIAN SHACKS—BRONX STREET, WHITE PLAINS

mission filled and graded the cellar excavations. The removal of these structures greatly improved appearances along Bronx Boulevard.

Buildings of a ramshackle character, or for other reasons unfit to be removed to lands along or near the Parkway, were sold for demolition only and, in a number of cases, those more substantial but not desirable in the immediate Parkway environment were sold for removal not less than 300 feet from the park limits. In all cases, careful supervision was required to secure compliance with the Commission's regulations and the Commission was successful in preventing the destruction, or defacement, of trees in the vicinity of the buildings removed.



ITALIAN SHACKS REMOVED AND LANDS USED FOR PLAYFIELD



BEFORE

Sewage from these buildings drained into Bronx River

Filling and Grading

A large amount of grading work has been done in connection with filling up excavations and leveling off building sites after removal of structures and clearing of premises. Low spots in the Reservation where unsanitary conditions obtained, have also been promptly filled as the best means of abating local nuisances. In addition, active grading operations are in progress at White Plains and Williamsbridge, and preparations are complete for beginning grading work along Swain Street, Yonkers, and Pondfield Road, Bronxville.



AFTER

Pollution corrected, lands ready for preliminary park treatment

At White Plains the lands north of Hopkins Avenue were in a most deplorable condition. Acres of low land in this part of the Reservation had been used for a dump for several years and it was necessary to excavate a mass of garbage from all areas to be planted. This material, in an incomplete state of decay, was removed to a depth of at least three feet, wherever planting of trees was contemplated, and removed to those portions of the Reservation where it could be covered by a considerable depth of soil when ultimate plans are carried out. In one case a hill, ten or twelve feet high, was formed and this offensive material is now well covered.

Good soil was conveniently obtainable from excavation for a lake planned for this section and the entire area has been covered with this material and planting excavations filled to their required levels. Upon completion this section, formerly so offensive, was immediately occupied in part by a baseball field and playground established by the City of White Plains, directly over the former garbage dump.

Great quantities of stone taken from building foundations, or picked up on Parkway lands, have been stored in convenient piles for use in road and path foundations. The material so conserved will substantially decrease the cost of the road construction work to be carried out next year.

Additional filling material is needed in many sections of the Reservation, particularly in the Bronx where the development plans call for large quantities of soil or other excavated material for fill. Fortunately top soil is usually available from the alluvial lands along the River and will be conserved for finished grading and planting work. Advantage has been taken of excavated materials available from contractors who sought dumping privileges in the Parkway, but the amount of such material obtained has been disappointingly small. In the Bronx the building movement, which it was expected would be developed in considerable proportions in anticipation of the completion of the Subway, has not materialized, but some fill has been obtained and the Commission's willingness to grant dumping privileges has been made known, so that with another season it is hoped to secure a much greater amount of soil to meet the requirements of the development plans.

Final grading of the section between Bronx Park and Gun Hill Road, initiated early this spring, is still in progress and,



SWAIN STREET, YONKERS

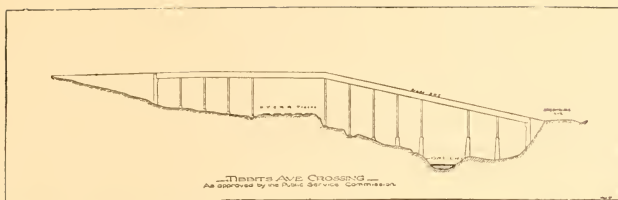


BUILDING REMOVED—GRADING UNDER WAY

if the required amount of fill can be obtained from outside sources, it is expected that the landscape grading, including laying of path foundations, as well as for that portion of the parked drive, will be completed this season.

Viaducts and Bridges

Negotiations have been continued during the past two years to obtain a better class of structures in, and in the vicinity of, the Reservation. At the date of the last report progress had been made toward changing plans for the viaduct over the Bronx River and the New York Central and New Haven Railroad tracks, connecting Wakefield Avenue in the City of Yonkers with East 241st Street in the Borough of The Bronx; for viaduct over the Bronx River and the Harlem Railroad tracks connecting Vermont Avenue in the City of Yonkers with Broad Street in the City of Mount Vernon; and for a viaduct at White Plains across the railroad tracks and the Bronx River in the vicinity of Woodland Place, to be erected as substitute for proposed viaduct at Tibbits Avenue. For all of these structures the Commission urged a modification of plans to provide for permanent arched bridges of reinforced concrete and of design which would be in harmony with Parkway development. In each case consideration of first cost has urged less permanent structures of steel construction which, however, would involve higher maintenance cost, so that taken over a period of years, the permanent structures would be economically superior. Negotiations for the modification of these plans have, owing to the various interests involved, been tedious and slow. The Commission appreciates, however, the spirit of hearty co-operation on the part of the various municipal officials and the New York Central Railroad Company, and the cordial efforts they have made to arrive at a solution satisfactory to all parties concerned. As a result of these co-operative efforts an agreement has been reached providing for an entire change of the design of the Broad Street-Vermont Avenue viaduct; the Commission's plan having been accepted by officials of the Cities of Mount Vernon and Yonkers, and by the New York Central Railroad Company. This plan has been presented to the Public Service Commission, Second District, approved by it, and contracts, specifications, and contract drawings



ORIGINAL DESIGN FOR BRIDGE OVER PARKWAY AT WHITE PLAINS



DESIGN SUBSTITUTED BY THE BRONX PARKWAY COMMISSION

have been prepared for the Commission. Contract for the construction of the viaduct will be let early in 1917.

In the case of the Wakefield, or East 241st Street viaduct, the Public Service Commission, First District, has been prevailed upon to modify its previous orders to such an extent that a concrete structure may, under certain conditions, be built in place of the steel structure originally ordered. The Commission is now, with a reasonable prospect of success, attempting to meet these conditions.

At White Plains a definite proposal for the construction of the Woodland Place viaduct has been placed before the City Council and adopted and the New York Central Railroad Company has also informally approved it. The plan approved as a part of this proposal will provide for a permanent structure, beautiful and of ample width for Parkway and local traffic needs, in place of the proposed viaduct which was to be built with roadway 16 feet wide and a long 9 per cent. grade on the westerly approach.

A design for a bridge to be constructed within the Parkway Reservation in connection with the extension of Hamilton Avenue in the City of White Plains was furnished to the City authorities by the Commission and adopted by them.

Plans of the County of Westchester for a highway bridge through the Bronx River Parkway Reservation, crossing the Bronx River at Tuckahoe, were submitted to the Commission for suggestions as to architectural treatment which would harmonize with the Parkway development, and a design has been furnished.

At Gun Hill Road the Commission advocated and strongly urged a modification of established profiles to provide for separation of grades at the intersection of Bronx Boulevard and Gun Hill Road, by raising the latter and lowering Bronx Boulevard to pass under Gun Hill Road. The amount of heavy traffic now passing Gun Hill Road is considerable and will steadily increase in volume. This is the only thoroughfare for unrestricted traffic crossing the railroad tracks between Bedford Park Boulevard and East 233rd Street, a distance of slightly more than two miles. A double track surface car line and the 3rd Avenue elevated extension will cross on Gun Hill Road. On the other hand Bronx Boulevard,



ENTRANCE INTO THE HEMLOCK FOREST



FRONT STREET, BRONXVILLE

when the Parkway drive system is completed, will carry a very heavy volume of automobile traffic which, if required to cross Gun Hill Road at grade, would undoubtedly create serious congestion and interference with both lines of traffic. The separation of grades has been approved by the Board of Estimate and Apportionment of the City of New York, and plans for the improvement drawn accordingly.

Plans for the improvement of Gun Hill Road, including bridges over the Bronx River and Bronx Boulevard, were prepared in the office of the engineers of the Borough of The Bronx and submitted to the Commission for suggestions as to ornamentation or surface treatment. Architects employed by the Commission submitted plans for reconstruction of this bridge in harmony with the Parkway development, which were adopted by the Bronx Borough authorities.

Negotiations looking toward the development of the Bronx Boulevard, adjoining the Parkway Reservation, between Bronx Park and East 233rd Street, or Woodlawn Road, have been pending for some time with Bronx Borough and New York City authorities. The plan most favorably considered provides for the City developing a street along the easterly line of the Boulevard, north of Gun Hill Road, to serve abutting lands of private owners, and turning over to the Commission for development the remaining width of 60 feet, which will be merged with the Parkway Reservation, providing location for the parked drive.

The adoption of this plan by the several boards and officials of the City having jurisdiction is being urged and every effort will be made to remove the legal obstacles so that the general improvement of the Boulevard and adjacent Parkway lands, including the grading of this section of the Parkway drive, can be finished as early in 1917 as weather conditions will permit.

In its endeavors to work out the best plan for all concerned, the Commission has particularly appreciated the effective co-operation of Borough President Mathewson, his engineers, and department officials of the Borough of The Bronx, without which the best results could not have been obtained.

Billboards

Incessant warfare has been waged against advertising billboards, with the result that all but a few have been removed from the Reservation. Those remaining are upon lands which the Commission has been unable to acquire, but the public, which has suffered long from these blatant desecrations of the landscape, may rest assured that none of these parcels will be paid for until the signs thereon have been demolished.

The fact that the greater portion of the billboards still standing are upon lands of the New York Central Railroad Company has caused much surprise and considerable unfavorable comment. The Commission, itself, has been greatly disappointed because of its inability to persuade the railway officials to banish these nuisances, which are so placed as to obstruct the view, from passing trains, of extensive sections of the Parkway. Even with the present day demands for economies in railroad management and the development of new sources of revenue, the paltry sums received as rentals from the outdoor advertising companies scarcely justify the maintenance of nuisances so obnoxious and so aggravating to the traveling public.

In some few cases billboards have been erected, facing the Parkway, on private lands in the vicinity. To screen such signs, and to protect the Parkway from such environment, the Commission has planted rows of poplars in the Reservation, whose rapid growth should speedily obstruct the view from Parkway lands of these offensive nuisances.

Improvement Program

The Commission is substantially increasing its outdoor working forces and will be able to complete considerable improvement work before the end of the season.

The work in progress at Williamsbridge, White Plains and Bronxville will be continued throughout the season and, if construction funds requested for the current year are made available, additional work will be initiated at intervening points. This will include grading and filling to sub-grade for the Parkway drive between Crane Road, Scarsdale, and Woodland Place, White Plains.

The Commission has obtained a small excavator or dredging machine for deepening the existing River channel, or for excavating new diversion channels, and this is now being

Three views in Parkway adjoining Botanical Gardens, the Bronx



BILLBOARDS AND HIGH WATER



BILLBOARDS REMOVED—PLAYGROUND OPEN TO PUBLIC

erected. The machine is of special design, adapted to the peculiar requirements of the situation and capable of being operated under the overhanging tree growth without destroying natural features along the River's banks. It contains many novel features and, being the first machine of its kind built for commercial uses, it has been ordered under a guarantee from the manufacturers, requiring payment only in the event that its successful operation is demonstrated.

Removal of New York Office

With the condemnation proceedings in progress and active construction work initiated a general rearrangement of offices and enlargement of space became imperative in the spring of 1916. Hearing rooms for condemnation commissioners were required both in New York City and Westchester County, together with additional space for the Law Department in New York. No less important was it to secure accommodations for the Engineering and Accounting Departments on the Reservation for the more convenient and efficient administration of construction, maintenance and engineering work. To meet these requirements the New York offices, to be used for the most part hereafter by the Law Department and condemnation commissioners, were removed from No. 100 Broadway to No. 280 Madison Avenue, corner 40th Street, a location near the Grand Central Station and more accessible to attorneys, claimants, witnesses and others attending proceedings from the Bronx and Westchester Counties, as well as from the Parkway Reservation.

Permanent Headquarters

General headquarters for the Engineering and Accounting Departments, and for the administration of construction and maintenance work, were established on the Reservation at Bronxville in a large stone mill building formerly owned by the Ward Leonard Electric Company. This building, once known as "Swain's Mill," was built many years ago in connection with a small water-power development by which the mill was operated. It is of most substantial character, with thick, stone, vine-covered walls and, with but little exterior alterations and the installation of necessary fixtures and office equipment, will afford ample facilities. There are large and



DAVIS BROOK—WHITE PLAINS
Formerly badly polluted



SAME VIEW
Pollution corrected and lands cleared up



well-lighted offices and drafting rooms, spaces for the storage of tools, materials and supplies, a garage and accommodations for a small machine shop. The top floor is being fitted up for a museum and place of deposit for the Commission's records.

Previous to this a central receiving station and warehouse had been established in a building purchased from the Scarsdale Supply Company above Scarsdale. This building has been equipped with room for the storage of tools and supplies, gasoline engine, shafting, and pulleys drills, emery wheels, grindstone, forge, anvils, etc., required for the sharpening of tools and making minor repairs. It will be used during the construction period and is in charge of a repair man, who acts as storekeeper and resides on the premises, keeping general oversight of that section of the Parkway.

At Williamsbridge a substantial residence building on one of the parcels acquired will be retained for storage purposes and as field headquarters during construction in that section.

Surveys and Plans

Since the date of the last report a re-survey of each separate parcel in the Reservation has been made and checked and maps have been revised. These maps, consisting of thirty sheets, have been divided into six sections, as follows:

Section 1—Sheets 1 to 4, inclusive.

Section 2—Sheets 5 to 9, inclusive.

Section 3—Sheets 10 to 13, inclusive.

Section 4—Sheets 14 to 17, inclusive.

Section 5—Sheets 18 to 24, inclusive.

Section 6—Sheets 25 to 30, inclusive.



GARBAGE DUMP IN FOREGROUND—ITALIAN SHACKS IN BACKGROUND



FROM SAME VIEW-POINT

Garbage dump covered and graded; Italian shacks removed



TWO VIEWS IN THE BRONX RIVER PARKWAY RESERVATION

Upon completion of revision of all sheets in any given section, copies of such sheets were certified and filed in the offices of the Registers of the Counties of New York, The Bronx and Westchester. Copies of sheets comprising Sections 1 to 6, inclusive, were filed simultaneously in the said Registers' offices of the Counties of New York, The Bronx and Westchester on the following dates:

Section 1—March 3, 1915.

Section 2—April 21, 1916.

Section 3—January 14, 1915.

Section 4—November 16, 1914.

Section 5—October 24, 1914.

Section 6—October 5, 1914.

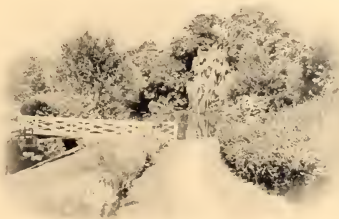
The standard maps, as filed, were drawn to scale of $1''=100'$. Lithograph copies were then obtained, reduced to scale of $1''=200'$ and these copies are available for the use of property owners, or their representatives, and may be obtained upon payment of \$0.10 per sheet to cover cost of printing.

Topographical Survey

Since the completion and filing of the revised property maps, the work of the topographical survey has been continued with an increased force. A very precise and detailed survey is being made and plotted showing contours at one foot intervals, location of all trees and other physical features, in order to provide a dependable record in accurate detail for the preparation of general development plans as well as grading and planting details. 1,044 acres have been surveyed to the date of this report, of which 843 acres have been mapped to scale of $1''=20'$.

Hydrographical Surveys

During the year stream-flow measurements and gauge-height records have been taken at frequent intervals. Gauges have been



IMPROVEMENT CONTIGUOUS TO THE PARKWAY



THE RIVER FLOWING UNDER A CANOPY OF TREES



IN THE OPEN

set from Bronx Park to Valhalla and slope of stream at different stages of the River plotted. The volume of flow has been determined by current meter gauge, particular care being exercised to obtain records indicating the minimum and maximum flow.

Physical Map

The Commission has recently completed the preparation of a physical map, showing the general location of the Parkway, its connecting parks and parkways in the Borough of The Bronx, and the Reservoir lands and lakes northerly from Kensico Dam. This map includes territory northerly from the Harlem River, including both sides of the Hudson and extending easterly almost to Long Island Sound. The lands and territory covered by the jurisdiction of the Interstate Palisades Park Commission are shown, together with their relation to the Bronx River Parkway and its connecting parks and watershed lands. If this map shall serve to stimulate constructive interest in the vast areas available for park purposes, extending northerly from the upper end of the Parkway Reservation, and in addition assist in acquainting the public with the immense tracts of land already acquired by the Interstate Palisades Park Commission on the west side of the Hudson, its chief purpose will have been accomplished.

This physical map has been reduced and lithograph copies have been obtained to accompany this report.

Reservation Map

A new Reservation map, showing in more detail and to a more accurate scale the limits of the Reservation, with the adjacent streets and important connections, has also been prepared and lithographed to accompany this report.



VIEW OF PARKWAY
YONKERS AND MT. VERNON



BEFORE



AFTER PRELIMINARY CLEAN-UP



AS IT WAS—WHITE PLAINS

Maintenance of Park Lands

Until all of the lands had been acquired and made available for park use the Commission desired to avoid any substantial expenditure for maintenance. It has endeavored to keep the lands in the Reservation in clean and orderly condition, but without any attempt at close cutting of lawns or open spaces. In the rich bottom lands, where the growth is rapid, the weeds have been cut from one to three times each season, as was required to meet the necessities of the case, and in some sections where generally used, and particularly in the



SAME VIEW

Buildings removed, ready for final grading



TEMPORARY BASEBALL FIELDS

park spaces around railroad stations, the lands have been kept in neat condition. With substantial completion of grading, planting and other improvements, a larger maintenance force will be required but, during the period of acquisition and construction, the Parkway will be no less available for pleasure and enjoyment because of economy in maintenance.

In all sections the Bronx Valley is showing the effects of the Commission's efforts. From Williamsbridge to Wakefield, with the exception of one tract north of East 213th Street, title to which has not yet been vested in the Commission, and the advertising billboards on railroad property which the operating officials have so far declined to remove, the



OUT-DOOR SPORTS IN PARKWAY

land has been restored to an almost normal condition. From West Mount Vernon to Bronxville the Reservation is in excellent condition and is being extensively used as a park. From Bronxville to Crestwood very marked improvement has been noted; playgrounds, tennis courts, etc., having been established at Tuckahoe and Crestwood. Between Crestwood and Scarsdale is a charming strip of park land. From Scarsdale Station, extending through Hartsdale to the southerly limits of White Plains, a section of great charm which was seriously marred during the construction of the Bronx Valley sewer, the lands have now been almost entirely restored to their former natural beauty.

Throughout the White Plains section, however, the greatest transformation has been made. How much has been done is best illustrated by the photographic records of the Commission, several of which have been reproduced in the pages of this report.

Landscape and Improvement Plans

A general plan of landscape development has been completed and formally adopted, but the Commission has deemed it advisable to defer publication of this plan until the next report, by which time the exhaustive studies required in connection with multitudinous details, which may, to some extent, affect portions of the general plan, will have been finished. Particular attention has been given to the layout of the proposed parked drive which will be made of ample width to accommodate the heavy traffic which is sure to be imposed upon it.

Studies to determine the best method of paving and surfacing the parked drive have been made by the Engineering Department. Much data has been obtained and the behavior,



BRONX RIVER AT NURSERY



BEFORE

The Bronx River a repository for all refuse



AFTER VIEW

*Buildings removed and river being diverted from new railroad embankment;
permanent improvement under way*

under traffic, of those pavements in most general use, has been carefully observed and data obtained.

In the narrower sections of the Parkway, particularly in the vicinity of the Mount Vernon Station, the width is barely sufficient to provide space for the river channel, Parkway drive and a narrow screen planting along the railroad embankment and Bronx River Road. In this section the Parkway drive will be carried through at a level somewhat below the adjacent street, so that the planting strips provided, though narrow, will be effective in preserving the appearance of a Parkway.

The parked driveway is laid out and several sections will soon be under construction. Between Scarsdale and White Plains, Bronx Park and Gun Hill Road, and in the vicinity of White Plains, the Commission will make substantial progress this year, which will include grading for the Parkway drive and final grading of the park lands, followed by extensive planting of many areas which have been almost entirely stripped of trees and other plant growth.

In the meantime a dirt road, with temporary bridges at river crossings, will be laid out and roughly graded between Woodland Place, White Plains, and West Mount Vernon. This will follow approximately the line laid down for the parked drive and will make that portion of the Reservation more accessible for light vehicles and particularly for equestrians.

Conclusion

The Commissioners in charge of this project—Madison Grant, William White Niles and James Graham Cannon—were originally appointed in 1907 by Governor Hughes. At the expiration of his first term of three years, Mr. Niles was reappointed by Governor Hughes, and at the expiration of his second term of five



RHODODENDRON CORNER—STATION PARK,
SCARSDALE



BEFORE



AFTER

years in July, 1915, he was again reappointed by Governor Whitman. Mr. Cannon, at the expiration of his first four-year term, was reappointed by Governor Dix and on June 23, 1916, Governor Whitman signed and forwarded to Mr. Cannon his commission for a further period of five years from the expiration of his term on July 25, 1916. At the expiration of his first term of five years, Mr. Grant was reappointed by Governor Dix in 1912, for a second term of five years.

Throughout the long period while awaiting official sanction of the Parkway, and before the legal obstacles were removed, the Commission, though without funds, labored unceasingly, feeling certain that an understanding of the merits of the project would command immediate recognition.

During the past three years since authority was obtained on June 5th, 1913, the policy of acquiring land by direct purchase has entailed arduous labors, but the tremendous savings, resulting from this work, as well as the prevention of hardship and loss to a large proportion of the property owners, has been sufficient reward for the efforts expended. With this portion of the work completed and the Parkway lands and River redeemed from their former polluted state, the Commission has now reached the third and most interesting stage—the physical development of this great Parkway, foremost in America in importance of connections and territory benefited.

Whatever success the Commission has achieved in endeavoring to reduce to a minimum the expenses of this great undertaking has been very largely due to the generous support of the public and press, the hearty co-operation of public officials and the efforts of a competent and enthusiastic staff of employees imbued with a high sense of public duty.

Respectfully submitted,

MADISON GRANT, *President,*
WILLIAM WHITE NILES,
JAMES GRAHAM CANNON,
Bronx Parkway Commission.

JAY DOWNER,
Engineer and Secretary.
June 30, 1916.



June 30, 1916.

HON. MADISON GRANT,
WILLIAM W. NILES,
JAMES G. CANNON,
280 Madison Avenue,
New York City.

Gentlemen—The foregoing report records in sufficient detail the work of the several departments of your Commission, except that of the Law Department, of which a complete record will be found in the Counsel's report. More detailed records of the work accomplished by the Construction, Engineering, Accounting and Forestry departments have been prepared and placed on file. Much of this is of interest but not entirely necessary for the purposes of this report and to include all would too greatly extend these pages. Let it suffice, therefore, to describe the organization of the office, engineering and construction forces, and briefly outline their respective duties.

The Auditing Department

in charge of the Assistant Secretary, Mr. George R. Hilty, has been extremely busy along many lines of work. In addition to the general accounting, cost-keeping, record of tools, equipment and supplies, Mr. Hilty has had charge of the rent and sale of buildings, a difficult work involving much detail, which he has conducted with tact and skill, resulting in the Commission's obtaining favorable prices for the many buildings sold and without the friction and complications often arising in dealings of this character.

The Assistant Secretary has also supervised the recreation activities on the Parkway, has obtained a very complete and satisfactory photographic record, has secured the abatement of almost all of the one hundred and fifty-four sanitary violations on the Commission's records, and has assisted in negotiations for the purchase of land. Mr. Hilty conducts the Purchasing Department and has assisted in the organization of the maintenance forces of the Commission as well as being in direct charge of the reconstruction of the building to be used for offices at Bronxville. Working under the direction of the Assistant Secretary are:

Helen L. Pennamacoar, *Clerk*,
William E. Moore, *Bookkeeper*,
William J. Byrne, *Parkkeeper*,
Edward J. Groark, *Timekeeper*,
Gertrude F. C. Nestor, *Stenographer*,
Emilie Surdez, *Stenographer*,
Elmer D. Crapper, *Page*.

The Engineering Department

is operated in two divisions—the Headquarters' Division, in charge of Mr. Leslie G. Holleran, Principal Assistant Engineer, and the Field Engineering Division, under Mr. Chester A. Garfield, Assistant Engineer.

Headquarters' Division

The regular force employed in this division under Mr. Holleran's direction consisted of:

James J. Lippincott, *Map Draftsman*,

Ellen F. Jones, *Stenographer*,

supplemented, when necessary, by members of the Accounting and Field Engineering Departments.

The work of this division has had much to do with the acquisition of real estate, preparation of property descriptions for contracts and deeds, preparation and filing of real estate maps, design of structures, engineering studies, investigations, reports, contracts and specifications, as well as miscellaneous engineering work and negotiations.

Under Mr. Holleran's direction the many complicated engineering negotiations, with the voluminous correspondence relating to the same, have been handled with dispatch and in a most satisfactory manner. Much work has been done in connection with furnishing and checking descriptions for the Law Department, and negotiations with the title companies to secure the elimination of survey and other exceptions; also negotiations with the New York Central Railroad Company relative to proper boundaries and descriptions of lands to be acquired from it. Frequent attendance at hearings before the Public Service Commission and at meetings of official boards in connection with matters in which the Commission is interested has been required.

The work under the direction of the Principal Assistant Engineer has also included preparation of contracts, specifications and contract drawings for construction work, and licenses for sewer connections across Parkway lands, examination and reports on plans and designs for improvements to be made by private corporations or municipalities through, or adjacent to, the Parkway Reservation, the preparation of many designs and studies for details in connection with the development of the Reservation, as well as negotiations of a varied and important character.

Field Engineering Division

The members of this division, working under the direction of Mr. Chester A. Garfield, Field Assistant Engineer, at the date of this report are as follows:

Frederick H. Gross, *Transitman*,

Samuel Elkin, *Leveler*,

James Owen, *Engineering Draftsman*,

John Locke, *Map Draftsman*,

Morgan J. Brennan, *Rodman*,

Arthur Ehlers, *Rodman*,

William W. Forster, *Landscape Draftsman*,

Robert L. Mutschler, *Axeman*,

Arthur Freud, *Axeman*,

George B. Klein, *Chainman*,

James T. Landreth, *Axeman*,

I. H. McFalls, *Axeman*,

T. J. Sullivan, *Axeman*,

David E. VanBuren, *Chainman*,

Morris Berkenblit, *Chainman*,

H. M. McKinley, *Chainman*.



ATTRACTIVE SECTION OF THE PARKWAY, YONKERS



STILL WATERS

The number of employees in this department during the past year has average fifteen, divided as follows: Two field parties of four men each, or a total of eight men, and seven men in the office.

The most extensive work of this division has been in preparation of topographical and property surveys. There have also been made hydrographical surveys, together with other surveys preliminary to construction and development work. The Field Assistant Engineer has supervised the carrying out of construction work and inspected and reported upon improvements by outside parties upon or across lands of the Commission.

Much topographical and engineering data has been furnished the Law Department for use in condemnation proceedings and Mr. Garfield has frequently testified before condemnation commissioners. The Engineering Department has furnished data to the construction forces, and locations of paths and roads staked out for construction work. This division has also set permanent Parkway monuments at angle points in outside boundaries along undivided lands.

In connection with the hydrographical surveys current meter stream flow measurements and gauge height records have been taken and data obtained to determine the volume of discharge at various stages and at frequent intervals up and down the River.

The land and title surveys prepared by this division under Mr. Garfield's direction have been found to be consistently accurate and dependable, and the topographical data has been prepared with such care as to form a comprehensive and reliable record upon which to base plans and estimates for improvement work.

Reclamation of Lands and River, Construction, Maintenance and Forestry

During the year ending June 30, 1915, this work was continued under the direction of Mr. A. N. Robson, Forester, but with the increased forces and the necessity for detailed supervision of the tree surgery work, as well as the tedious work of cleaning the River and clearing the lands, the Assistant Secretary was detailed to reorganize the maintenance division and the Parkway was divided into four sections, each in charge of a section labor leader with one or more assistants as required.

With the opening of spring work this season and with further increase in the labor and tree-trimming forces, as well as the commencement of permanent landscape construction work with finished grading, etc., it became necessary to secure the services of a construction superintendent, trained in landscape work, who could sympathetically execute the plans. There were no Civil Service lists appropriate for this position with available candidates and Mr. Hermann W. Merkel, Consulting Landscape Architect and Forester, was requested to supervise the landscape construction forces until a capable superintendent could be appointed. Application was made to the State Civil Service Commission for a list and a special examination was held. In the meantime the Commission was authorized to make a temporary appointment and, after considerable investigation following advertising and exhaustive inquiry, Mr. Gilmore D. Clarke, a graduate landscape architect in charge of construction work for the Hudson County Park Department, but

residing in the Bronx, was temporarily appointed as Superintendent of Landscape Construction.

Mr. Clarke entered upon his duties a few days prior to the date of this report and will continue in charge under the general supervision of the Landscape Architect and Forester until a Civil Service list of candidates available for this position has been promulgated.

Preparation of Development Plans

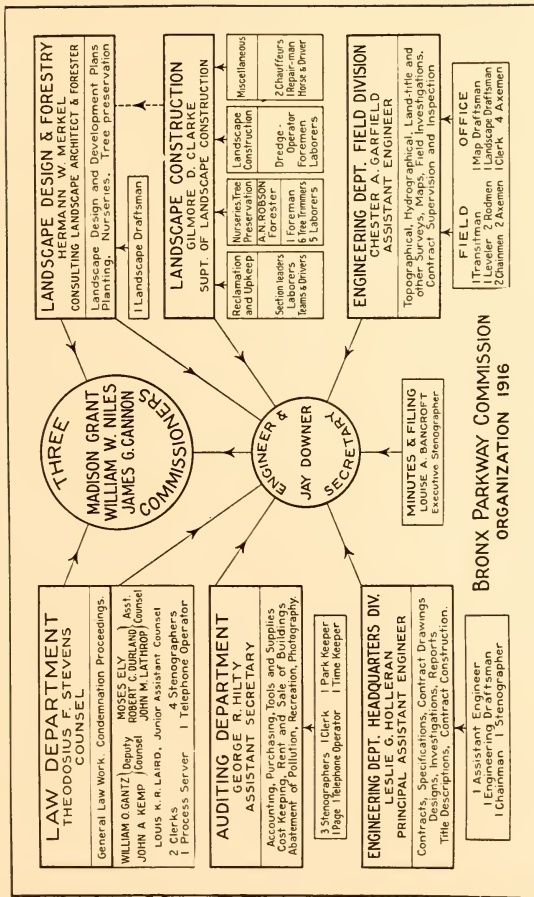
The Consulting Landscape Architect, Mr. Hermann W. Merkel, has continued with the work of developing general plans and has prepared detailed grading plans for extended sections in advance of the construction work. Mr. Merkel has been assisted in preparation of these plans by Mr. Chester E. Wheeler, Landscape Draftsman. Mr. Merkel has also given general supervision to the landscape construction work and forestry and has advised the Commission as to the best means of protecting the tree growth and other vegetation in the Parkway. His very interesting report dealing with the care of trees, the condition of the nursery and quantity of stock therein, as well as some of the insect enemies to be combated, is appended hereto.

The Executive Stenographer

Miss Louise A. Bancroft acts as my private secretary and is in charge of the minutes of meetings, a record of which she takes. She is responsible for the tabulation and preservation of schedules of standard land values used in negotiations for lands, and is in charge of the filing and other records. Miss Bancroft also has general supervision over the distribution and care of correspondence for all the various departments of the Commission.

A chart showing graphically the organization of the Commission's forces is shown on the following page.

Respectfully submitted,
JAY DOWNER,
Engineer and Secretary.



**BRONX PARKWAY COMMISSION
ORGANIZATION 1916**



"BEFORE TAKING"



"AFTER TAKING"

Two views just above Bronx Park

June 30, 1916.

BRONX PARKWAY COMMISSION,
No. 280 Madison Avenue,
New York City.

Gentlemen—There has been no change in the policy and the character of the work on the Parkway Reservation with which I have been connected, only a broadening and extension made necessary by the acquisition of great areas of new lands and the actual planning of the landscape development.

The work of the past two years in connection with the preservation of the plant life upon the Bronx Parkway Reservation has been a fruitful one in many ways. The arrest of the destruction of the many noble old trees by old fire scars, or lightning, or breakage wounds, and dead and dying limbs, has progressed steadily and is of incalculable value to the beauty of the Reservation, present and future. Each tree was inspected individually and its treatment indicated only after careful consideration of the desirability of the species, the condition, size and age of the specimen, and in all but the very large examples, due regard was given to the surrounding trees and saplings, upon which depends the future growth and aspect of the woodlands of the Reservation. Nor have all trees been removed whose physical condition was poor and whose life for that reason probably short, for where such a tree had sufficient artistic value (as for instance one overhanging the River), it was carefully saved.

The force of men employed in pruning, cleaning, and cavity treatment, has become so highly efficient that it is a positive pleasure to see them at work, and I believe that in no other park system is this work surpassed and that only a few can equal it.

The protection of the Parkway woodlands from fire and marauders has also had very beneficial results.

Insect Pests

The Hickory Bark-Borer and the Hemlock Borer seem to have succumbed to the vigorous treatment given, but the Spring Canker Worm is increasing its area of destructiveness and must probably be reckoned with for a number of years, and only very thorough spraying of the hardwood trees in all of the infected area will prevent great damage, especially as several bark-borers appear to take advantage of the weakened condition of the trees, due to defoliation for several succeeding years.

The Gypsy Moth and the Brown-tail Moth, both, are ever-threatening clouds, one to the north and the other to the east of the Parkway, that must not be lost sight of, nor temporized with should they occur upon, or in the vicinity of, the Reservation.

Care of Trees

Every tree on parcels owned at the time they were reached by the Commission's arborists, under the direction of the Forester, Mr. A. N. Robson, has been examined and given the preliminary care necessary. In many cases this had to take only the form of "first aid," as in most locations it was not possible to know at that time whether the tree in question would be able to

remain permanently, or would stand in the line of some future development, such as grading, road building, river channels or lake excavations, which would prevent its permanent existence, and it was not thought wise to expend a comparatively large amount of money on cavity work, for instance, until it could be determined that the tree would remain. In all cases, however, wounds were cleaned, dead limbs and limb stubs were sawed off, and the wounds given antiseptic treatment, and then sealed against the ingress of water and the agents of decay.

In accordance with the policy inaugurated all large cavities were allowed to remain unfilled for a period of at least one year in order to be able to determine whether all of the infected area had been removed. While this may be new in tree work it is exactly parallel to the course adopted by surgeons in the treatment of wounds, which they allow to remain open externally during the process of healing. That this course was a wise one has been proven in several instances when the waiting period developed further decay. This spring, however, after the preliminary treatment had been administered to the trees as far as the northerly end of the Reservation, the force of arborists began again at the southerly end to carry the work to completion and the filling of cavities has at this writing been done as far as the end of the New York City line and is progressing rapidly northward. Since most of the roadway and other features have been planned in the meantime it is possible to determine just what trees should be treated.

The filling of the cavities is being done skillfully and in accordance with the best and latest practice known to arboriculture. Since it has become quite evident that the patent claims of certain firms, who have tried to control the most approved methods of bracing and filling trees, are invalid, we have not hesitated to use them; but, in direct opposition to the practice of many commercial tree surgeons, we have been treating only those trees the size, beauty and condition of which warranted such treatment. All obviously decrepit and moribund trees were disregarded since we have considered it a waste of public funds to spend any time or effort upon them. A number of the best arborists have visited the Reservation and it is the consensus of opinion that the work of tree preservation on the Bronx River Parkway Reservation is the best that may be found in any area of its size in the country.

Spraying

The purchase of an additional high-power sprayer was very timely, as may be seen by the fact that the new machine was used for a period of fifteen days and that, with its help, your force was able adequately to protect the areas infested by the spring canker worm, which was larger this year than during any previous season. A great number of scattered infestations of other insects was treated by the smaller outfits to very good advantage but, since the large sprayer enables your force to reach the top of any tree from the ground, dispensing, therefore, with ladders, scaffolds and a great deal of time wasted in erecting, taking down and moving same away, they were able to move as rapidly as was required, and I consider that the Commission has already obtained in benefit the cost of the new machine.

The tent caterpillar was especially obnoxious this year and a force of men was sent out to cut out and burn the unsightly nests of this pest through-



RICH BOTTOM LANDS



DRAINED AND USED FOR NURSERY

out the entire length of the Reservation, destroying in all 7,884 nests. Of other insect pests there may be mentioned as present on the Reservation the following: Tussock moth, walnut caterpillar, yellow-necked apple caterpillar, fall web worm, mourning cloak, elm leaf beetle, cigar case bearer, and the golden oak scale upon some European oaks at Hartsdale, all of which were fought wherever found.

The chestnut blight is still present on the Reservation on the sprouts which have come up from the stumps of removed trees. This year we will endeavor to remove all infections as soon as discovered and by this means hope to be able to eradicate the blight within a year or two.

The Nursery

The nursery at Crestwood, having demonstrated its usefulness even to the most critical observer, has been greatly extended by taking an additional strip of land north of Crestwood Station and enlarging the present planting southward. The nursery now contains:

9,000 trees,
43,260 shrubs,
2,305 vines,
1,920 evergreens,

by far the greatest number being indigenous since it has been considered desirable to exclude from most sections of the Reservation plants foreign in origin and character.

Of course special care has been taken to have only such plants as would thrive in the soils and situations found in the Parkway area. The condition of all these plants at this time may be considered very satisfactory and the nurseries have been kept well cultivated, free from weeds at all times, and have formed an attractive feature of the Parkway.

The cutting and seedling plants raised by your own men have done exceedingly well in the rich soil of the nursery, many of them reaching in one season the size and vigor usually found in two year old stock as commonly purchased from nurseries.

Landscape Planning

Planning for the roadway, grading, river diversions and widenings, has been carried on steadily as topographical maps became available, so that practically all of the general planning for this is now finished from the Botanical Gardens to the northern boundary of the City of White Plains. This, of course, involved much study of existing conditions and many consultations and discussions with the members of your Commission and your engineers, both in the field and office, as well as the examining of profiles and details of streets and other improvements contemplated by the municipalities touched by the Reservation.

Based upon this a preliminary plan was then made which was submitted to your Commission for approval, or changes, which changes, if any, with a general indication of the planting features, walks, play fields, et cetera, were then put in the form of a general plan which received the approval of the Commissioners and their Secretary. I am happy to say that no great differences of opinion have ever arisen and that this work is going along rapidly and smoothly.

Principal Features

The principal features of the valley in which the Reservation lies are, of course, the River and magnificent tree growth present in most sections. The River bed in its present location does not represent in all cases the natural channel. It has been arbitrarily moved by the changes of contour brought about by the building of roadbeds, railroads and streets, and the erection of factories and other buildings, no attention being paid during the course of such construction to the æsthetic aspect of the new course. This fact and the necessity of planted strips needed to screen the railroad and other unsightly objects necessitated many changes in the River channel, which at the same time has been widened and often made into pools and lakes, which will help to make the Reservation more beautiful and will help to maintain a more equable flow of water than now present and provide opportunity for boating, bathing and skating.

Large existing trees have been most carefully considered in all of the planning work and it is very gratifying to be able to say that very few really good trees will have to be removed or will suffer as the result of the improvements to be made.

The main feature of these improvements is, of course, the driveway, which will run for the entire length of the Reservation, connecting with adjacent streets wherever an outlet has been considered necessary. For the width of the drive, forty feet has been tentatively settled upon, although this width may not be graded and paved at the outset, thirty-two feet being considered sufficient in certain sections. In sections where the full width required for a single driveway would mean an excessive amount of grading, the destruction of trees or other desirable features, the road has been divided into two one-way drives, which sometimes run at decidedly different levels, reuniting as soon as possible. Excessive grades and dangerous curves have been avoided.

The walks are, of course, of various widths, with a maximum of twelve feet. The principal one follows the Bronx River on one side or the other for its entire length. Where necessary, cross walks and others leading to points of interest have been provided, but grade crossings on the driveway have been avoided wherever possible. Special attention has been paid to the walks giving quick access to railroad stations, et cetera.

I would also recommend that provision for bridle paths be made.

Such recreation features as playgrounds, tennis courts, baseball fields, et cetera, have been taken care of, but they have been placed only where they could exist without interference with, or intrusion upon, the landscape proper. Since it has been considered our first duty to provide a beautiful Parkway, rather than a great number of local parks of diversified character, the rules of naturalistic design have been followed very closely wherever possible and abandoned only where the railroad embankment, a street, or similar feature, has compelled such course.

Planting

The planting has been planned chiefly with the object of restoring the flora of the region and permanency in view. Broad effects have been aimed at and indiscriminate mixtures avoided.

Construction

The landscape construction and grading work carried on during the past year has been carefully supervised by me to insure a sympathetic execution of the development plans. I understand, however, that this work has been described in the foregoing pages of this report so that it will not be further detailed here.

In conclusion I take the liberty to express to the gentlemen comprising your honorable body my gratefulness for the many courtesies extended and the trust you have placed upon me, and to the members of your staff my thanks for the spirit of helpfulness and co-operation always shown.

Respectfully submitted,

HERMANN W. MERKEL,

Consulting Landscape Architect and Forester.





PUBLIC ENJOYING THE IMPROVED CONDITION OF BRONX RIVER AND PARKWAY



AN ACTUAL TRIAL BEFORE COMMISSIONERS OF APPRAISAL, ON THE QUESTION OF THE VALUE OF CERTAIN PARCELS CONDEMNED IN WHITE PLAINS FOR THE PARKWAY

The three commissioners of appraisal are seated at the far end of the table. The owners' expert is under cross examination by the deputy counsel of the Bronx Parkway Commission (standing), in charge of the proceeding.

BRONX PARKWAY COMMISSION

LAW DEPARTMENT

280 MADISON AVENUE, NEW YORK CITY

REPORT OF THE COUNSEL

IN TWO PARTS

Part I. Period of June 5, 1913 to June 30, 1915

Part II. Period of June 30, 1915 to June 30, 1916

THE LAW DEPARTMENT

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JOHN A. KEMP, *Deputy Counsel*

MOSES ELY, *Assistant Counsel*

JOHN M. LATHROP, *Assistant Counsel*

ROBERT G. DURLAND, *Assistant Counsel*

LOUIS K. R. LAIRD, *Managing Clerk*

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DAVID WRIGHT, *Entry Clerk*

ELSIE C. MULLER, *Stenographer*

GILBERT HOLMES, *Process Server*

BARBARA G. GOSCH, *Stenographer*

MORRIS LEFKOFF, *Junior Clerk*

MARY KARLIK, *Stenographer*

JOSEPHINE HARKINS, *Telephone Operator*

PART I

PERIOD OF JUNE 5, 1913-JUNE 30, 1915

Chapter I—A BRIEF EXPLANATION OF THE COMMISSION'S SYSTEM OF TAKING TITLE TO LAND BOUGHT AT PRIVATE PURCHASE.

Chapter II—PROCEEDINGS, OTHER THAN MATTERS OF ROUTINE.

Chapter III—THE CONDITION OF THE COMMISSION'S LAW WORK ON JUNE 30TH, 1915—ITS COST—PLANS FOR THE FUTURE—CONDEMNATION PROCEEDINGS.

PART II

PERIOD OF JUNE 30, 1915-JUNE 30, 1916

Chapter IV—OFFICE ORGANIZATION—ENLARGEMENT REQUIRED FOR CONDEMNATION PROCEEDINGS—CONFORMATION WITH CIVIL SERVICE LAW.

Chapter V—THE YEAR'S LAW WORK WITH REFERENCE TO PROGRESS MADE IN PURCHASE OF LAND AT PRIVATE SALE.

Chapter VI—CONDEMNATION PROCEEDINGS—CONDITIONS APPLICABLE—PREPARATION FOR THEIR COMMENCEMENT—TITLE EXAMINATION—COMMENCEMENT PROPER OF PROCEEDINGS—OBJECTIONS AND CONTESTS—APPOINTMENT OF COMMISSIONERS OF APPRAISAL—PROGRESS MADE.

Chapter VII—MISCELLANEOUS—LITIGATIONS, CONTRACTS PREPARED OR EXAMINED, OPINIONS FURNISHED, ETC.

Chapter VIII—CONCLUSION.

Statistics—TABLES AND EXHIBITS.

REPORT OF THE COUNSEL

HON. MADISON GRANT,
WILLIAM W. NILES,
JAMES G. CANNON,

Bronx Parkway Commissioners
New York City

Dear Sirs—The report of any technical or professional work, no matter how replete with statistics, will fail to convey much useful knowledge to those not entirely familiar with the circumstances surrounding it, without the injection of a certain amount of explanatory matter. This is especially applicable to the present review, for it is only at this stage of the Commission's progress that separate or special account of its law work has become necessary for the information of those concerned officially, or those otherwise interested in its activities.

The Commission was created in 1907, but its authority to buy, condemn and develop the Bronx River Parkway Reserve was not completely vested until five years later, and, although the Commissioners themselves never allowed the project to die during those years, they were obliged to defer the consummation of any work planned until 1913. But, with the enabling action of the Board of Estimate and Apportionment of The City of New York, taken on June 5, 1913, the Commission could, and did, begin to carry to conclusion the negotiations for the purchase of land in the Parkway Reservation which had been tentatively made before that time. Though having authority in 1913 to appoint counsel, the Commission very wisely decided, in the interests of economy, to detail to special counsel its law business then accumulating, and to postpone appointing and maintaining permanent counsel, with an office and staff, until the volume of its law business had reached such proportions that the employment of permanent counsel should become the more economical, as well as the more efficient, method of handling it. This need did not fully develop until the spring of 1914. It would have become pressing at a much earlier date than was the case, had it not been deferred by the assiduity of Commissioner Niles, who has given his time unceasingly, not only to the supervision of the Commission's law work, but to much of its detail as well. The Commission's labors in negotiation during the latter part of 1913, and the first part of 1914, were so prolific in result, however, that a permanent law department became essential to carry these negotiations into effect without serious and costly congestion, and the department was organized and has been maintained accordingly since 1914.

PART I

PERIOD OF JUNE 5, 1913-JUNE 30, 1915

CHAPTER I—EXPLANATION OF THE COMMISSION'S SYSTEM OF BUYING LAND AT PRIVATE PURCHASE

Anyone who has had much to do with real property knows it is easy enough to buy land, but often quite another matter to obtain a perfect title, and that, unless the utmost care is exercised, flaws or defects in the title will be unnoticed when the purchase money is paid, only to be discovered when it is too late to rectify the mistake without additional cost. At this point, it must be particularly understood that the Commission, though acting for the public when it agrees to buy land in the Reservation at voluntary purchase, is in precisely the same condition that a private institution or individual would be. It cannot, merely by paying the purchase price to one who claims ownership in the land, cure defects in the title, if any there be, or cut off outstanding rights in the property, should any exist. To protect the public, therefore, and see that it gets what it pays for, the Commission must do what every prudent individual or private corporation would do, namely, have the title to the land it agrees to buy, not only examined, but also insured to it by a title insurance company, before the land is paid for. Having and keeping this in mind, the Commission adopted a system of procedure which operates from the time an agreement is reached with a landowner as to price until the deed is offered, the form of title policy agreed upon, and the purchase money paid. The title examination and insurance is furnished at a minimum cost by a recognized title company, upon competitive bids, practically precluding the possibility of a loss, and making the title company, and not the public, pay for curing a flaw in the title, should one ever appear.

Examination of the several hundred title policies already issued, will show that the Commission's requirements in the matter of accepting a title, strict as they are, have been strictly complied with. There is not a survey exception in any of the policies issued. This simple statement should be sufficiently impressive to those who have had experience with the condition of the maps and titles covering some sections through which the Reservation runs. To obtain these results, great care has been exercised in the terms and specifications of the award of contracts for title examination and insurance, by which the permanent and comprehensive law machinery and plant of a title company is used to full advantage, and far more cheaply than the Commission could begin to do the work of title searching itself, aside from the benefit of title insurance. For example, take Schedule 11, the schedule last closed, comprising thirty-nine parcels, with a purchase price aggregating \$138,119.—there the entire cost of title insurance averaged as low as \$31.08 per parcel, less than .0087 of the purchase price. This low cost has been possible because the award of a contract of title examination covers a number of separate titles at once, and is let by competitive bidding. On a number of titles, if separately considered, the title companies have undoubtedly lost money. I recall one case, to be sure rather an extreme one, where the company must have already spent fifteen or twenty dollars worth of time. The title has not closed yet, and all that the company will ultimately receive for its services and risk on that title is the munificent sum of \$2.09.

CHAPTER II—PROCEEDINGS, OTHER THAN MATTERS OF ROUTINE

Since the Commission commenced its active work of buying lands, protecting them, selling the buildings and causing them to be removed, and planting and developing the lands where possible, innumerable questions have necessarily arisen from time to time, many of which required examination for pertinent law, and in some instances, resort to the courts has been necessary. Of course, the settlement of these questions has been important, but I do not consider any useful purpose will be served in lengthening this report by any general enumeration of them, or, in fact, going further than to briefly comment upon several of them which might find some public interest.

One question which should concern the public is that of the pollution of the Bronx River, but as this problem has hitherto come more in the jurisdiction of another department, rather than the Law Department, it doubtless will be reported accordingly, and I pass it with the statement that, in addition to other measures of cure and prevention, special counsel was employed, who examined the statutes and local sanitary codes and ordinances, served warning notices upon offenders, and in many cases of continuing defilement, such as drains, factory outlets, leaky cesspools, etc., caused offending land-owners to abate the nuisance. The matter of river pollution, owing to conditions existing at many spots along the stream, will continue to require attention and in some cases probably action, until title is taken to both banks of the River from the Kensico Reservoir to the Botanical Gardens. Even then, vigilance must be exercised to restrain some of our citizens, and would-be citizens, from their propensity to throw tin cans by the myriad, and larger articles, such as old wash boilers, discarded bath tubs and the like, and all sorts of germ breeding and indiscriminate rubbish and filth, in the river or on its banks. An entire spring mattress even, was found from one of its corners, projecting out of the mud in the river bottom.

In several instances, the Commission was obliged to prosecute acts more sinister than carelessness, acts of wanton lawlessness, or depredation in the cutting down of trees, and in the clandestine removal of wood and soil from the reservation.

Questions have arisen, and will arise, respecting the rights of advertising sign companies, ever tenacious in maintaining the seemingly irrepressible, selfish and unsightly billboard. In the future, an enlightened public opinion will doubtless stop and prevent private interests from placing hideous advertising signs upon the borders of our public parks and parkways, and so marring the beauty the public has paid for.

A multiplicity of vexatious detail has been disposed of regarding the levying and payment of taxes and assessments, owing to the fact that in many instances a part only of a tax lot was taken; in other instances, owing to errors and inconsistencies in the tax maps of some of the towns through which the Reservation runs.

Special contracts, from time to time, have been required for construction work, and forms for the granting of licenses, under proper restrictions and conditions, to property owners to connect their lands with the Bronx Valley Sewer, which runs for some miles of its length beneath the surface of the Parkway Reservation, have been prepared and used.

The sufficiency of the law creating the Commission, especially in its provisions relating to the payment by the County of Westchester and City of New York, of the funds required, was called into question, and co-operation of counsel with the Supervisors of Westchester County in adopting a form of resolution that would meet the requirements of the Act, was necessary.

Riparian rights arising over the proposed diversion of the Bronx River, at several points, were given special study and consideration.

The Charges Brought Against the Commission in 1914

A remarkable set of charges against the present Commissioners were filed in the summer of 1914 with the Hon. Martin H. Glynn, then Governor. These charges were to the effect that the Commissioners had neglected their duties, and their removal by the Executive of the State was demanded. If the charges sought a mere change from one set of ministerial officers to another, their disposition would, relatively speaking, have had much less importance to the taxpayers of the City of New York and County of Westchester than was the case, but the charges, though nominally directed against the present members of the Commission, were in reality directed against the system of purchase at private sale, inaugurated and pursued by the present Commission; the system which offered a property owner fair and full market value of his property, but which refused to carry fairness into the realm of generosity at the public expense, and finally, the system, which, above all other things, was opposed to premature or reckless resort to archaic, cumbersome, and inordinately extravagant condemnation proceedings. Intelligent study, and not so much of it at that, would have convinced a person of ordinary intelligence that wholesale condemnation proceedings were quite unnecessary, yet these charges were brought with the intention, thinly veiled, of forcing immediate condemnation proceedings, irrespective of the public good. Two of the three men bringing the charges were unknown to the Commissioners. The third was known, as he had previously requested employment, and the offer of his services had been declined.

The charges recited that the Commissioners were appointed in 1907, and alleged that they had "wilfully neglected and omitted their duties upon them enjoined by law." It is true that the Commissioners were appointed in 1907, but their power to take official action was not vested in them by law until 1913. This was so because the Legislature made the consent of the Board of Estimate a prerequisite of the establishment of the Parkway, and the Board of Estimate waited for five years before it saw its way clear to give that consent. During these five years, the Commissioners deplored, I venture to say, much more earnestly than their accusers did, the condition of the Bronx River; because during those five years the Commissioners did not let the project rest. They worked hard over it with members of the Board of Estimate and other functionaries, not only that, but they did it voluntarily for some years, without pay of any kind, whereas it is yet to be shown that the gentlemen bringing the charges were heard from at all at that time. Under those circumstances, the charges would have bordered on the humorous, were it not for the needless public expense they entailed. All the facts were readily ascertainable—an examination of the statutes of the State on the subject, to say nothing of inquiry at the office of the Commission, would

have elicited them, yet no inquiry was made. During the period when the Commission, perforce, was unable to act, nothing was heard. Strangely enough, it was not until the Commissioners, in the short space of thirteen months after receiving power, had actually acquired almost half of the Parkway Reservation by private agreement with the owners of the property, and without condemnation proceedings, that they were charged with neglecting their duties during a period when they did not have authority to act.

The charges were referred by Governor Glynn to Mr. John Godfrey Saxe, as Special Commissioner. The Commissioners, knowing their triviality, moved to quash them for insufficiency, and they were ultimately dismissed, and the needless expense occasioned by them, as usual, fell upon the public.

*The Attempt to Force the Commission into Premature Condemnation
Proceedings Through Mandamus*

In November, 1914, a former Justice of the New York Supreme Court, and an owner of land in the Parkway Reservation, brought a proceeding in the Supreme Court of New York County against the Commission, in which this former stipendiary of the County government attempted to force the Commission, through the mandate of judicial order, to bring condemnation proceedings at once in the Parkway Reservation. The questions raised by this proceeding were of great importance to the taxpayers of the City of New York and County of Westchester. Had the ex-Justice been successful, it would have meant virtually the end of the Commission's being able to



INUNDATED LANDS IN THE NORTH WHITE PLAINS SECTION

buy property at private sale. Some idea of what that would have meant can be gathered by perception of the fact that, in the seven months elapsing since the proceeding was brought and the present time, the Commission has entered into agreements with various owners covering parcels worth an aggregate of \$720,659. Fortunate, indeed, it is for the tax-laden communities of New York City and Westchester that the Supreme Court did not either share the views of its former incumbent as to what the Commission ought to do, or find any authority for the unnecessary burden of condemnation proceedings, which, though benefiting condemnation lawyers, real estate "experts," so-called, condemnation commissioners and stenographers, would all have been at the expense of the public of New York City and Westchester County. It is not necessary to give any detailed account of the proceeding. It will suffice to say here that the ex-Justice wanted \$215,275. for his land, when the highest figure the Commission felt justified in offering, after consideration of independent appraisals by experts, was \$55,531. The proceeding was argued at the Special Term, and the Court, in deciding to dismiss it, said:

"On the contrary, they (the Bronx Parkway Commissioners) have improved the property by removing nuisances and otherwise bettering its condition. That their object in not instituting condemnation proceedings is for the purpose of first acquiring all the land they can by purchase, so as to make the expense of such condemnation as small as possible. The papers utterly fail to show that the Commission has abused its discretion, and there being no evidence that it has failed to act, the application must be denied."

Did the ex-Justice then stop? Not a bit of it. He appealed to the Appellate Division, which tribunal promptly and unanimously affirmed the decision of the Special Term.

CHAPTER III—THE CONDITION OF THE COMMISSION'S LAW WORK ON JUNE 30TH, 1915—ITS COST—PLANS FOR THE FUTURE—CONDEMNATION PROCEEDINGS

It is pleasing to report that the Commission's law work is well up-to-date in the matter of routine. The details of title closing have been systematized, in so far as system is advisable, but not to the extent of thereby losing elasticity of action, which is particularly important here as the Commission, being dependent upon other authorities for funds to pay for the lands it agrees to buy, cannot estimate far in advance the precise time when contracts of sale can be consummated. Even so, opportunity is planned for the landowner to examine the Title Insurance Company's report upon the title, before he is called upon to deliver his deed, and, when he avails himself of it, the nature of any defects or encumbrances is explained to him and he is told just what he must do to clear up his title. The result has been (notwithstanding the total illiteracy of some of the landowners) that upon Schedule II (the one last closed) *more than seventy-five per cent. of the titles closed on the day they were scheduled, although sixty-one per cent. of the vendors were not even represented by attorney.*

To speak parenthetically, the fact that so many landowners have preferred to act directly with the Commission rather than through the medium of an attorney, shows one striking advantage of private sale over condemnation. In the latter case, lawyers' charges and "expert" fees dig heavily

into the award when it is finally made, when, as a matter of fact, the landowner in probably nine cases out of ten, knows much better what his land is really worth than does either his lawyer or his expert. The Commission, of course, recognizes agents where owners prefer to act through them, but the above figures rather show (to my way of thinking) that there is no need for a landowner to pay over any great part of the money he receives for the land he sells to his agents or attorneys, unless there are unusual circumstances surrounding his title.

To return from what I considered an excusable digression, to the record of the work of taking title. This department, with the very efficient co-operation of the Engineering Department on questions of description and survey, scheduled for closing 131 separate titles, covering 172 parcels and involving the payment of more than \$1,000,000, in just 21 days, thereby reducing interest upon the several contracts to a minimum. All but twelve per cent. of these titles were closed within that time, and so far as the Commission was concerned, they could all have been closed on time, had the sellers been ready.

Upon Schedules 1 to 11, inclusive, where funds have been provided for payment of the parcels therein included, by the City of New York and the County of Westchester, title has passed upon all 469 parcels, with the exception of 12 titles, the closings of which have been delayed, either by infancy proceedings, or by questions of outstanding interests which the respective vendors will probably be able to clear up in a comparatively short time. Upon Schedule 12 (the schedule of May 1, 1915), which covers 104 parcels, title reports will shortly be received, and contracts of sale have been already prepared, in nearly all cases, and sent to the vendors for their signatures, although funds to pay for these parcels will not be furnished for some months. Upon Schedule 13 (the schedule of June 30, 1915), where tentative agreements to purchase have been made to this date, covering 64 parcels, bids for title insurance have already been invited. In other words, the routine work of this department is as nearly abreast of the agreements with landowners reached by the Commission in negotiations, as it is practically possible for it ever to be.

Table A of this report, printed at page 113, shows the cost of land purchased or contracted for, and the cost of title insurance upon it, from June 5, 1913, to June 30, 1915.

Table B, printed at page 113, shows the entire cost of all the Commission's law work from July 17, 1911, to June 30, 1915.

The cost of this law work has been extremely low, phenomenally so, when put in terms of percentage of the value of the land acquired. Since June 5, 1913, the land actually acquired and paid for by the Commission, excluding all deferred closings or parcels under contract, has been \$2,726,671.81. The total cost of law work, including fees paid to special counsel, and disbursements of every nature chargeable to this department, including salaries, rent, furniture and office printing, amounts to \$10,285.49, which therefore makes about .0039 of the cost of the land now bought and paid for, without including land under contract of purchase. The sum total of all the Commission's disbursements to date has been \$3,234,575.44. Of this, the \$10,285.49 expended for law amounts, therefore, to only .0032 of the total expense.

I make no invidious comparisons, but to those who are not impressed with this record of economy, I suggest perusal of the figures of the cost of law work on other lands acquired in recent years for park purposes within a radius of twenty miles of the City Hall.

So far as the future is concerned, the Commission's present law machinery will be adequate only until such time as condemnation proceedings are in actual preparation. When that time arrives, as it inevitably must, provision will have to be made for coping with the situation as it will then exist, bearing in mind that there is no escape from the cumbersome demands of the Code of Civil Procedure, which requires the service of process upon every person, known or unknown, who has an interest in any parcel of land to be condemned, no matter how small or long-forgotten that interest may be. Then the duty of properly adducing testimony before Commissioners of Appraisal will require much work and will be expensive, particularly when contrasted with the small amount the Commission has been obliged to expend up to the present time. It must be understood, and I desire now to emphasize the statement, that the yearly cost of law work, once condemnation proceedings are under way, will be much greater than the minimum now possible. I can only hope that the Commission will be enabled to continue its success in acquiring land at private purchase, so that the amount left to be condemned will be even further reduced.



BRIDLE PATH THROUGH FOX MEADOWS

PART II

PERIOD OF JUNE 30, 1915—JUNE 30, 1916

CHAPTER IV—OFFICE ORGANIZATION—ENLARGEMENT REQUIRED FOR CONDEMNATION PROCEEDINGS— CONFORMATION WITH CIVIL SERVICE LAW

Notwithstanding the immense proportion of parkway land which the Commission had bought at private sale, or had under contract up to June 30, 1915, the entire cost of all of its law work, not only directly occasioned in taking title to these lands, but necessarily incidental to its business, had been conserved to the rate of .0039 upon the cost of the land acquired. Since last year, however, the institution of condemnation proceedings to take the balance of the land made substantial professional and clerical enlargement of the department a necessity. The extent of this exigency can best be shown by explaining that the law work of condemning the remaining 472 odd parcels of land entailed investigation of the titles of all the parcels to be taken, preparation and printing voluminous petitions in strict compliance with statute, preparation for trial of objections interposed by property owners, preparation for trial, and trial before commissioners of appraisal of questions of title and value, supervision of the form of the reports of such commissioners, and presentation of such reports to the court with briefs, supervision of the regularity of the payment of damages finally awarded, preparation of papers and briefs upon any appeal taken, and the law work on the miscellaneous questions inevitably accessory to condemnation proceedings.

There were two ways of meeting the situation, either by retaining a number of trial counsel at a per diem compensation or by building up a law department in the office of the Commission, capable of taking care of the work in its entirety, with the probable exception of a few trials on certain important parcels. The Commission desired to avoid the first method on account of expense, as attorneys of appropriate fitness, experience and standing in condemnation work, if retained merely by the case at so much per day, would have to be paid at least at the rate of twenty-five dollars, and as many different attorneys as there were different sets of commissioners would have to be retained, to prevent undue delay. Furthermore, busy attorneys, specially retained by the Commission, would frequently find that they had cases in court which would have to take precedence over their appearance before the commissioners of appraisal; it would then be out of the question to have other counsel prepared to take their places, and many hearings would have to be postponed, with the net result that, while competent trial attorneys could undoubtedly be secured at a rate per day, their bills would be large, and the proceedings as a whole would be dragged out. It was decided, therefore, provided adequate arrangements prove possible under the many restrictions of the Civil Service Law, to attempt the second method of such professional and clerical enlargement of the law department as would enable the great bulk of law work, with its attendant routine and detail, to be handled by the Commission's own attorneys and clerks, retaining special trial counsel only for those comparatively few cases where particular conditions made such a course expedient from a business point of view.

In October, 1915, the time came to secure assistant counsel to undertake the intricate and technical task involved in bringing the proceedings to the point of trial before commissioners of appraisal. A subordinate position

was filled from a list of junior counsel, but it was found, after a thorough canvass, that no suitable civil service list, intended to supply attorneys for more than subordinate positions, was in existence, and the situation was explained to the State Civil Service Commission, which ordered a special civil service examination for positions of assistant counsel, and, in order that the work should not be held up pending the results of such examination, authorized a temporary appointment of an assistant counsel for four months. Mr. Moses Ely received this appointment in October, 1915, and his efficient services were a substantial factor in the progress made. The result of the civil service examination for assistant counsel was certified in January, 1916, and three appointments were made from the list as follows: Mr. Ely's provisional appointment in October was made permanent in January, Mr. John M. Lathrop was appointed in February, and Mr. Robert C. Durland a month later.

It was not until March, 1916, that development of the condemnation proceedings then pending enabled a forecast to be made with reasonable certainty of the full minimum needs of the department for trial counsel. Application to the State Civil Service Commission to exempt two positions of deputy counsel was made both by written communication and personal appearance before the Civil Service Commission at a public hearing. The impossibility of procuring adequate results without either the exemption of the two positions in question, or the expenditure of large sums of money in fees to high-priced attorneys, specially retained for particular cases, was appreciated by the Civil Service Commission after painstaking attention and consideration. The two positions were exempted, and in April, 1916, Mr. William O. Gantz and Mr. John A. Kemp, both lawyers of long experience and proved ability, were appointed to fill them.

As the growth of the condemnation proceedings and the enlargement of the department were coincident, it was advisable to formulate office system rather slowly, and so it was not until this month that the department, so enlarged, could be said to be fairly established on its present basis, so as to divide the work and responsibility of the several proceedings to best advantage among the several attorneys.

Since September of last year I have submitted 46 separate written reports to the Commission at its meetings, not only to present matters pertaining to the department requiring action, but also that the Commission might be continuously informed of the headway made, and now that the department has become so enlarged, I have adopted the practice of having weekly meetings of the attorneys, who at that time submit reports covering their individual activities of the preceding week. My own reports to the Commission are predicated on the information thus received, and so without waste of effort, the Commission is kept in constant touch with the affairs of the department.

The system of office records has received careful thought, and, wherever practical, forms have been devised to save time and insure accuracy, and the end of June sees the establishment of the department virtually complete.

In May, the offices of the executive and law departments were moved from 100 Broadway to the vicinity of the Grand Central Station, in a new building at the corner of 40th Street and Madison Avenue. The process of moving, while causing temporary inconvenience and derangement, has already greatly facilitated business with attorneys, property owners, real estate appraisers and others, living in Westchester or the Bronx.

CHAPTER V—THE LAST YEAR'S LAW WORK WITH REFERENCE TO PROGRESS MADE IN PRIVATE PURCHASE OF LANDS AT PRIVATE SALE

We have seen by Table A, page 113, that at the end of June, 1915, the Commission had then acquired lands in the Parkway, including buildings, for which \$2,726,671.81 had been paid; also that contracts of sale had been made or arranged in Schedules 12 and 13, covering 164 parcels, at the purchase price of \$659,020, which, on June 30, 1915, were awaiting funds from the city and county authorities to be carried into effect.

It is now for me to report that the funds for Schedule 12 were provided in September, 1915, and ten closing dates were arranged from September 27, 1915, to October 13, 1915, and all titles on this schedule closed, excepting ten titles, where incapacity to convey or other reasons have so far prevented closing. Funds for Schedule 13 were furnished in November, 1915; six closing dates were fixed from November 8th to November 15th, and all titles on this schedule were closed, excepting three.

In the meantime, the Commission's continued efforts in negotiating for purchase at private sale, during the summer and fall of 1915, had borne results in contracts for 22 parcels, at a purchase price of \$85,892.* (Schedule 14, contracts of October 15, 1915, and December 1, 1915.) Funds for these contracts were provided by the city and county in March, 1916, and five closing dates were fixed for March 28th to April 6th, and all titles on the schedule closed, excepting one, where a flaw in title was the obstacle.

The next schedule, and the last one this year for which funds to close have been provided, was Schedule 15, contracts as of March 1, 1916, covering 23 parcels, at a total purchase price of \$123,490. Funds for this schedule were provided in June, 1916. Three closing dates were set from June 12th to June 19th, and all titles on this schedule were closed without exception.

Schedule 16, contracts of June 30, 1916, is, of course, not closed yet, as the funds in the ordinary course of business cannot be furnished by the city and county authorities until the autumn. This schedule covers 17 parcels at an aggregate cost of \$114,029. Table C, at the end of this report (page 114), shows the progress made, schedule by schedule, in the purchase of land which in value now stands at \$3,744,551.61.

It would be an error to suppose because the expense of the law work involved in obtaining title to the parcels of land the Commission bought was so small (see page 114, and in Table D at page 115), that there was little to be done in having a contract of sale prepared and executed, and in having the land itself conveyed under adequate title insurance. The owners of the smaller parcels usually acted without attorney, and were often illiterate, and in blissful ignorance of the unpaid back taxes or other liens or defects encumbering the title to their properties. Papers improperly drawn and improperly executed* have frequently caused preventable delay. To avoid this, help was given in a great many instances by drafting powers of attorney, assignments, and other papers for vendors which they should have pre-

* I remember one instance of a deed which was signed in South Carolina having to be returned twice to that State for re-execution. First, because the form of acknowledgment, attested by the Secretary of State, was wholly insufficient in substance, and, when that was corrected, it had to be sent back to South Carolina the second time, because the Secretary of State had forgotten to affix his signature (a rather fatal omission).



COMMISSIONERS OF APPRAISAL
Condemnation Proceeding No. 1 (The Bronx Section)
Cyrus C. Miller (Chairman)

Lee Parsons Davis

Richard W. Lawrence

pared themselves, because time in the end was saved. Questions on the closing of titles constantly arose with the title companies employed, which, after painstaking effort, have been almost always adjusted satisfactorily. But the payment of the purchase money and the delivery of the deed would not end the work, for the policies of title insurance had to be examined with care by different departments, and in many instances, returned for correction before they could be accepted, filed away, and paid for as meeting the Commission's properly strict requirements.

To insure against acts of inadvertence in the rush and confusion of closing a number of different titles on the same day and hour, a form of chart was devised upon which were checked all the necessary transactions pertaining to each title closing before the deed was accepted, and the purchase price paid over. Taking it all in all, the routine law work in closing titles during the last year has been so systematized that it has been carried through with a minimum of waste motion and expense.

So much for the record of the parcels bought or contracted for during the last year and the law work incident to their acquisition. The cost of such work is so low that the duty of recording it becomes a pleasure.

Referring to Table B, at page 113, it will be seen that the cost of all law work to June 30, 1915, was \$10,285.49, against \$2,726,671.81 actually paid for land acquired up to that date, or .0039 on the dollar. This year \$1,017.-879.80 additional land was bought and also contracted for (see Table C, page 114), and the cost of law work chargeable to it was \$5,309.50 (see Table D, page 115), which makes .0052 on the dollar for the year. Combining these figures, we have the total of \$3,744,551.61 spent for land with \$15,594.99 chargeable against it for law work, giving a percentage of law cost of .0042 on every dollar expended.

In terms of law cost on area, we find that for the area of land now acquired at private purchase, equivalent to about 7,858 city lots of 25 x 100, the total law cost of every nature chargeable to it, to have been \$15,594.99, which means an average cost per lot of \$1.98—*less than two dollars a lot!*

CHAPTER VI—THE PREPARATION, COMMENCEMENT AND PROGRESS OF CONDEMNATION PROCEEDINGS

By far the most important work undertaken by this department within the year has been the commencement and prosecution of proceedings in the New York Supreme Court under the general condemnation law, to appropriate the land in the Parkway area not bought at private sale.

The Commission, by its efforts at negotiation, has reduced the parcels of land to be condemned to a probable minimum, so that it will, in all likelihood, be necessary to condemn only 472 parcels, exclusive of street lands. Condemnation proceedings, all commenced since December last, are now pending against 290 parcels, or about 62 per cent. of all the parcels to be condemned. See Table E, page 116. The precise stage of development of these proceedings is shown by Table F at page 117, to which I shall have occasion to refer later.

But tables, after all, are merely figures and have significance only to the extent the subject matter is understood, and the legal sequestration of real property is a subject the average person knows little about. Having this

thought in mind, I shall preface my narrative of the rapid progress the department made in the direction of condemnation since last December—when the first petition was filed—with a brief description of the system of jurisprudence in general use in New York State when private property is taken for public use and which system the Commission perforce is obliged to use.

The doctrine of eminent domain, or the sovereign right of the State to appropriate land for a public purpose, upon making compensation to the owner, is of ancient origin, evolved in England centuries ago.* The legal procedure through which this right is exercised when occasion arises, is commonly called a condemnation proceeding which, to most people, who have given the subject a thought, rightly means an almost endless and complicated labyrinth of wrangling through the courts to determine the amount of money a man, or his descendants, is to ultimately receive for land taken away from him for public purposes. Probably no other field of public work has been so permeated with an atmosphere of waste, extravagance and scandal, or is regarded with such suspicion by the public at large, as proceedings for the condemnation of real property, nor is there a subject over which the public, at large, is so helpless. Quasi-public corporations, such as railroad companies, and the like, will usually, when additional land is required, pay exorbitant prices to escape the huge expenses of condemnation. But the directors of a corporation are in a different position from the members of a public commission or the officials of a municipality. The directors may, with impunity, pay more for land than it is worth and justify their act to the stockholders as good business by showing condemnation as the alternative, but the state or city official can set off no such justification to which

* The following sketch indicates the evolution of the New York procedure in eminent domain. In England, at least after the time of the Stuarts, when occasion arose for the appropriation of property for public use, compensation therefor was made. For generations, a jury drawn as for an ordinary trial, was employed; but gradually it was realized that other agencies than juries for ascertaining the damages were more practicable, and equally consistent with the principles of the common law. And so it became the custom in England to appoint commissioners for the purpose, and such procedure was frequently used in England prior to 1775. The practice was for Parliament to pass an act authorizing the taking, naming the commissioners, etc., in analogy to our own method of to-day.

In the colony of New York, before the Revolution, there seem to have been few public improvements, save the laying out of highways and turnpikes in the different counties. We clung to the older ideas and there was small variance in the mode of assessing the damages.

As an example, in 1713, the colonial legislature of New York passed an act for the regulation of highways, authorizing the appropriation of land by agreement with the owners, if possible, and providing therein that if any dispute should arise, the same should be determined by any two justices of the peace and six of the "principal freeholders of the neighborhood," not having any interest in the land about which such disputes arose.

After independence was an accomplished fact, the State of New York on April 20, 1777, adopted its first constitution and it was therein and thereby ordained and declared that such parts of the common law in England, and the acts of the legislature of the colony of New York, as they existed on the 19th day of April, 1775, should be and continue the law of the State of New York, subject to such alterations as might thereafter be made by the legislature of the State.

Nothing was expressly said on the subject of eminent domain, in the first constitution, but in 1807, the legislature passed an act relative to turnpikes and provided for the appointment of three commissioners of appraisal,—the same to be freeholders of the county in which the land was situated.

In the constitution of 1821, a provision was inserted prohibiting the taking of private property for public use, without just compensation, but no reference to the mode of ascertaining damages was made.

In 1846, the State Constitution was amended and followed in the Constitution of 1894, and in 1913, it was finally amended, and now provides as follows:

"When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury, or by the Supreme Court with or without a jury, but not with a referee, or by not less than; three commissioners appointed by a court of record, as shall be prescribed by law. Art. 1, Sec. 7."

From 1807 till the enactment of the Condemnation Law in 1890, the usage was for the legislature, either by general or specific statutes, to authorize the appropriation of land for public purposes, and to provide for a method of ascertaining the damages, and the tribunal of "three" commissioners was conventional.

In the year 1890, when the practice was codified by incorporating the general Condemnation Law into the Code of Civil Procedure, appointment of commissioners was made obligatory.



COMMISSIONERS OF APPRAISAL
Condemnation Proceeding No. 2 (The White Plains Section)
John R. Delafield (Chairman)

Frank S. Reynolds

James Dimond

the public will give credence, though his motive is to save the public purse in the end.

Condemnation lawyers realize this and are not slow to advise their clients to hold out for big prices, knowing that the public official has practically no alternative but condemnation proceedings, and that means money for lawyer, real estate appraiser, stenographer and condemnation commissioner—mostly at the expense of the party condemning, whether compelled to pay costs (theoretically supposed to repay the land owner for attorneys, expert witnesses, etc.), or not, for, in addition to its own lawyers, expert witnesses and incidental disbursements, the condemnor must pay commissioners of appraisal, appointed to ascertain the damages, and the official stenographer recording the hearings. But the heavy burden of condemnation expense falls in part upon the property owner as well. Sometimes, when the parcel of land is a large and valuable tract, and the owner has credit or can afford to advance money without inconvenience and wait indefinitely for recoupment through his award, the burden is not great, but the owner of a comparatively cheap parcel of property is more unfortunate. His expenses are relatively greater than on a valuable parcel, and the protraction of the proceedings, the uncertainty of the amount of damages, or when he will get them, all impose real hardship. This is especially so when the property owner is compelled to give up his home and perhaps borrow, if he can, funds to establish himself elsewhere.

The procedure, under which the Bronx Parkway Commission, as plaintiff, must condemn property, is the general condemnation law (Code of Civil Procedure, Chap. 23), and a more cumbersome and antiquated method of meeting a subject, troublesome at best, is hard to conceive. In the first place, the plaintiff, or condemning party, must hunt up every person who has any interest whatsoever in the property, and cause such person to be personally served with a copy of the petition to the court to condemn the real property. If the plaintiff proves that, after exhaustive efforts, it is unable to effect this service, it must publish the long and cumbersome petition in full a number of times in two newspapers. This may be good for the newspaper business, but it is unnecessarily burdensome and expensive, and forces the plaintiff to make a complete examination of the title to the property from the earliest records.

When the plaintiff finally secures so-called legal jurisdiction of all the people having interest in the property, it goes before the court with its petition, asking for judgment of condemnation. If the petition be granted, three commissioners are appointed to hear evidence of the value of the property and to report the amount of damages to be paid. Then the usual practice is for the property owner to secure, in advance of trial, the services of two or more real estate men who will put as high a valuation on the property as their individual consciences will permit, and for the plaintiff, who knows that this will be done, to bustle about and retain, as its expert witnesses, real estate people, who are prepared to swear to a much lower valuation. The case eventually comes to trial. The owner's real estate expert, after solemnly declaring that he knows all about the value of real estate in the vicinity in question, proceeds to swear to his opinion of its value. Then commences a cross-examination which may, and sometimes does, last for almost an interminable period of time. Repetition follows repetition. Extraneous matter is adduced with profligate abandon, with



COMMISSIONERS OF APPRAISAL

Condemnation Proceeding No. 3 (Bronxville to Crestwood Section)

Henry K. Davis

Austin K. Griffen (Chairman)

Gideon H. Peck

the consequence that the same useless material has to be gone over again and again in the trial, upon the question of value of other parcels, although conditions surrounding such other parcels are analogous. The commissioners often cannot and sometimes even will not curb the introduction of irrelevant matter, and the stenographer, who is paid for every word transcribed, has no cause to complain. At last the property owner finishes his case, and the plaintiff puts his "experts" upon the witness stand whose opinions contradict the owner's "experts." Finally, the commissioners decide what damages they consider should be awarded, and their report is brought up to the Supreme Court for confirmation. Very frequently, it is set aside and the lawyers go to work cheerfully to try the case all over again. This may seem like an exaggeration, but, unfortunately, many instances of its truth exist of record in this State. Even preposterous assertions to be properly refuted must be refuted with facts, presented by capable attorneys in the form of sworn testimony of the best real estate appraisers because the mere charge that testimony is grossly extravagant does not supply commissioners or courts with anything to take its place unless counter opinions, having a fair relation to establish facts, are adduced. Sometimes claims are so fantastic that little evidence is needed to prove their absurdity. I have several such instances, which actually took place in the present condemnation proceedings, reduced to data lying upon my desk at this precise instant, but inasmuch as the proceedings are pending, propriety, much to my regret, forbids specific identification of them in this report.

Now why should all this be. The answer is that a very time-worn system of procedure—which was all very well when conditions surrounding real estate values were primitive and simple—has been allowed to survive to the present date when such conditions are anything but simple. In bygone years, in England, when the procedure for taking property was evolved, the exercise of eminent domain was pretty much confined to taking land for a highway road in the open country.* The owners of land in the county were called "freeholders" and they not only lived on their land, and so were known to their neighbors, but they also knew better than anybody else how much their land, and their neighbors' land, was worth. Hence, a law, requiring that every person owning any interest at all in land to be condemned, should receive personal notice, or his absence strictly accounted for, imposed no unreasonable burden; and when it was necessary to fix the value of the land needed, a jury of neighboring freeholders was obviously the most efficacious instrument of arbitration. Conditions are very different now. We condemn for railroads, canals, docks, subways, bridges, public buildings—taking not only city, town and country land, but offices, homes, apartments, factories, and whatever structures or even parts of structures stand in the way. Instead of having John Doe, or the widow and heirs of John Doe, as the sole owners of the property, we have, in addition, lessees, mortgagees, judgment creditors and the like, scattered all over the country, sometimes to the tune of hundreds, and yet we still cling to the tradition of the past about personal service of process which has become unnecessarily burdensome, and we still appoint juries of three to pass upon highly complex and technical rules of evidence to determine the present day problematic and often ephemeral value of land. These juries or commissioners, as we now call them, even

* See footnote on page 100.



PHOTOGRAPH OF HOUSE IN SECTION 1

Cut in half and to be taken in condemnation proceedings

when honest and capable, cannot take the place of a judicial officer of specialized experience, regularly elected or appointed for a term of years, whose whole time is devoted to the work. Lay commissioners may try a few condemnation cases during their respective lifetimes in addition to vocational duties. A judge can try many such cases during the course of a single year in office and being a responsible public official, can properly be vested with authority which cannot with safety be committed to lay appointees for single cases. Such appointees cannot be expected to prevent the introduction of a mass of useless and redundant stuff as evidence by inexperienced attorneys, nor properly enforce the attendance of attorneys and witnesses who drag out the proceedings by deliberately allowing other business to interfere, so that often when commissioners of appraisal meet they have to adjourn because someone, whose presence is necessary, prefers to attend to other matters. If trials were conducted by a judge, his decisions would still be subject to review by the higher courts, but one entire step in the present procedure would be eliminated because, when lay commissioners make their report, the evidence must, in any event, be reviewed at length by the court, so there is no saving, even in judicious salary, which is but a minute fraction of the enormous waste the present unscientific system entails.

Condemnation proceedings will continue to be a public necessity, and, as there is a natural tendency to imbue into customs of the law, formulated in the past, a certain sanctity of age, reformation here must come slowly—particularly as a host of beneficiaries of the present slovenly system are always ready to cry loudly against change. But as conditions, which establish land values, grow more and more complex and time becomes of



COMMISSIONERS OF APPRAISAL

Condemnation Proceeding No. 4 (Crestwood to Scarsdale Section)

James F. Secor

Herbert A. Knox (Chairman)

Dan C. Nolan

greater value, the need for drastic modification in this branch of law is intensified.

The City of New York already has been able to obtain far-reaching relief from the Legislature by the enactment into the City Charter (Charter of The City of New York, Sections 1431 to 1452, inc., Laws of 1915) of a statute which does much to emancipate it from the waste in proceedings which obtains under the general condemnation law. Every reasonable safeguard to the owner of the property is still left to him to have notice of the proceedings, and he still has his day in court in which to put in his defense to the lands being taken, but instead of appointing three commissioners, the question of value can be tried in the first instance by a justice of the Supreme Court sitting without a jury.*

So much for an explanatory outline of the problem which faced the Commission in the summer of 1915, which will not have been written in vain if it brings clearly to the minds of those who read it, the fact that condemnation proceedings, as the Bronx Parkway Commission must conduct them under the general condemnation law of the State, are grossly extravagant, particularly when compared to the trifling expenses of purchase at private sale.† So the fact that the Commission's efforts to buy lands at reasonable values, resulting as they did in the acquisition by purchase of about two-thirds of the Parkway without condemnation, means that the Commission, literally speaking, has saved the City of New York and the County of Westchester many hundreds of thousands of dollars in expenses.

But while expense under the general condemnation law must be heavy, there is every reason to expect that the expense of the proceedings the Commission must prosecute to secure the property remaining, can be kept to a minimum—with the co-operation of the five sets of commissioners of appraisal already appointed, for after all has been said, the cost of the proceedings will depend very largely upon the commissioners of appraisal, and the Bronx Parkway Commission is to be congratulated because of the able, and well qualified men who have thus far been appointed as commissioners of appraisal—men, who will, without doubt, while giving the owners a square deal, co-operate in saving all the moneys possible for the City and County, handicapped as all of us are by the primitive system to which we are bound.

I come now to the record proper of the condemnation proceedings thus far instituted by the Commission.

The first step, preparatory to their actual commencement was, as I have indicated, the complete knowledge of the title to approximately 470 parcels of land to be taken, exclusive of street lands, upon which the identity and whereabouts of all persons who had any interest in any of them could be predicated. As this knowledge could be obtained far more cheaply by a title company, having an established plant, than by the Commission, a sealed bid for the award of a proposed contract, covering this huge task of title examination, was invited in July, 1915, from three responsible title companies operating in the district. In drawing this contract so as to secure the maximum result for the minimum cost, we were unable to find a precedent. This can better be understood by comparing the accepted bid of \$12,957.51, with

* The first condemnation case tried by a justice of the Supreme Court was that of "Matter of opening West 230th Street" tried before Justice George V. Mullan, in Bronx County, on February 28th and 29th, and decided March 16, 1916.

† This I stated a year ago. See page 94.



COMMISSIONERS OF APPRAISAL
Condemnation Proceeding No. 5 (Yonkers and Mount Vernon Section)
Martin J. Keogh, Jr. (Chairman)

Walter W. Westall

Harry D. Whittle

the next bid of \$39,500.00, and the highest bid of \$56,400.00. The first instalment of title reports was received about the middle of September, but the uncertainty, as to whether the proposed constitution would be ratified by the electorate in November, made postponement of the preparation and filing of the first petition advisable, for if the proposed constitution had been adopted, it would have very substantially modified the procedure to be followed.

Early in November, work upon the first petition was commenced. The Parkway area was, for the purpose of condemnation proceedings, divided into six sections. The plan was adopted of bringing, as soon as possible, a general proceeding against those parcels in each section where sufficient information to draw the petition had been procured, and later to bring another proceeding covering the parcels which were omitted from the first proceeding. By this means it was proposed to have six different sets of commissioners of appraisal appointed for the entire Parkway area to be condemned, and this plan, which has been carried out upon the five general proceedings, already well under way, has unquestionably resulted in advancing the work as a whole, as rapidly and expeditiously as any mode of dividing up the territory into proceedings, which could have been devised. The courts have co-operated with this plan of avoiding an unnecessary number of different sets of commissioners condemning land in the same section, by appointing in the few separate proceedings which have been so far brought, the same commissioners appointed for the first general proceeding upon the section.

The five proceedings pending were brought in the following order:—

Proceeding 1 (The Bronx), was commenced in December, 1915.

Proceeding 2 (White Plains), was brought on later in February.

Proceeding 3 (Bronxville to Crestwood), was brought on in April.

Proceeding 4 (Crestwood to Scarsdale), was brought in May.

Proceeding 5 (Yonkers and Mount Vernon), was brought in June.

Table No. F, page 117, gives the precise progress and status of these five pending proceedings. The sixth general proceeding on the district north of White Plains to Valhalla, will in due course be brought in the Fall of 1916.

The actual trials before commissioners of appraisal in Proceedings Nos. 1 and 2, covering the Bronx and White Plains districts, respectively, were commenced in April. Trials in Proceeding No. 3 (Bronxville) were commenced in May, and arrangements will be made for trials on Proceeding No. 4 (Crestwood to Scarsdale), and on Proceeding No. 5 (Yonkers and Mount Vernon), immediately after the summer recess.

Mr. Henry R. Barrett, of White Plains, because of his ability and great familiarity with the section, has been retained as special trial counsel for a few of the important parcels, and it is expected that the attorneys in the department will be able to efficiently take care of all other trials.

It must not be thought that the proceedings thus far instituted and carried as to so many parcels through judgment to the point of trial of the amount of damages to be awarded, have been brought to that stage without opposition. Contests upon various grounds were raised involving 18 different parcels. (See Table F, page 117.) One property owner claimed that the entire Parkway Act was not constitutional, but it is not necessary to go into the details of these litigations. It suffices to say that every single contest brought was unsuccessful, and costs in all cases where trials were had were awarded

in favor of the Commission and against the contesting property owner. Objections interposed in two instances have not yet reached trial.* Your law department, therefore, has a clean record of 100 per cent. success in all of the contests brought to trial. Appeals may be taken by some of the property owners to the Appellate Division of the Supreme Court, and the judgments of condemnation obtained by the Commission modified or reversed by that tribunal. As to that, as this is a report and not a prophecy, I simply give the record as it stands to-day.

Table G of this report, printed at page 118, gives in detail the 287 parcels of land included in the different proceedings in which judgment of condemnation had been granted on June 30, 1916—six months after the first proceeding was commenced. The dates, however, when title to these parcels passed to the Bronx Parkway Commission were not when these judgments of condemnation were respectively granted, but were determined as to all the parcels embraced in one proceeding by the date when the commissioners of appraisal appointed by the judgment in that particular proceeding filed their oath in the County Clerk's Office as required by Statute. The last column to the left in Table G (page 118) gives the different dates when these oaths were respectively filed and therefore serves as a record of the precise day when title to each parcel passed to the Commission by condemnation.

CHAPTER VII—MISCELLANEOUS LAW WORK—REPORTS— OPINIONS—LITIGATIONS

Public work of magnitude, particularly when affecting property rights of many hundred individuals, raises in its progress a veritable swarm of questions, some big, some little, but all, unless carefully handled, likely to grow into vexatious disputes or even costly law suits later on. The department had diverse questions to meet and many required careful examination of the pertinent law. Very wisely, the Commission avoided the expense of several thousand dollars in the purchase and maintenance of a library of law books, which would become useless in a few years, by securing a membership in a law library, which has been frequently used by the several attorneys of the department at nominal cost.

Now, I have no intention of enumerating the many matters, outside of routine work, where reports have been made, or opinions have been furnished, or contracts and the like have been prepared or examined, for nothing will be gained by such enumeration. I shall, however, to show the varied character of such matters with sufficient completeness, cite half a dozen representative items coming to mind.

A question arose as to storm water drains, on Sheet 21. The relevant law was examined and opinion furnished.

An elaborate contract on the engineering work of the proposed viaduct to connect the cities of Mount Vernon and Yonkers at Vermont Avenue was examined and approved with modifications.

A standard form of notice to persons maintaining advertising billboards on the Parkway was prepared and adopted.

An opinion on the alien labor law was given.

* Sheet 5 Parcel 29 and Sheet 25 Parcels 41 and 42.

A special report on questions of law in connection with the proposed Tibbits Avenue viaduct at White Plains was given.

The law relating to the liability of the land acquired by the Commission for local assessments was examined and opinion furnished.

Under Section 18-A of the Parkway Law (see page 121), the Commission has power to acquire additional lands adjacent to the Reservation, through which flows a brook or stream, tributary to the Bronx River, provided that the local authorities request such action and agree to pay half of the cost. The town of Mount Pleasant petitioned the Commission to acquire a strip of land near the Kensico Dam at Valhalla. The petition for this action, the proper resolutions and other extremely technical papers, including contracts and options, were prepared by this department.

The mechanical work of drafting into satisfactory form a bill to amend the Parkway Law by clarifying some of the provisions of the original act, largely fell upon this department. A number of consultations were had, and the bill was duly passed and became Chapter 599 of the Laws of 1916.

The full text of the Parkway Law, omitting only the detailed description of the reservation, has, for convenient reference, been printed in the report and will be found at page 120.

In conjunction with the Engineering Department, a permanent record was prepared in which to record the status of all the parcels of land shown upon the revised map of the Parkway.

So much for the description of miscellaneous law work. I might give more illustrations but time and space are valuable.

As to litigations—outside, of course, of the condemnation proceedings—they are so insignificant that it would seem absurd to tabulate them, so absurd that I shall do so simply to bring out in the clearest and shortest way the fact that, notwithstanding a year of great activity in a great public project, law suits have been avoided to the following extent:

* No. of litigations pending June 30, 1915.....	1
† “ “ “ instituted since June 30, 1915.....	1
“ “ “ disposed of during the year.....	0
<hr/>	
Total No. of litigations pending.....	2

CHAPTER VIII—CONCLUSION

The tables appended to the report will show, in terms of figures, the headway made in private sale for the last two years, and the progress made in condemnation proceedings since the first petition was filed, six months ago. Tables of cost, which I have already referred to, will also be found, and I have separated the items so that one may tell at a glance what has been expended to date in general law work, and what has been expended in condemnation. It is useless to speculate upon the probable cost of condemnation, though it will, perhaps, be possible to estimate it with fair accuracy when some of the proceedings have been finished, but that must be for a later report. It is sufficient to say now that every effort is being made to keep expenses to the lowest mark. The work has not yet reached its maximum,

* Bonavia v. Robson on calendar awaiting trial.

† Jackman v. Bronx Parkway not yet placed upon calendar for trial.

and it remains to be seen whether your staff of attorneys will be sufficient to limit the employment of special counsel to the trial of the cases contemplated. It is certain that the professional capacity of the department, as it is at present constituted, will be taxed to the utmost.

The clerical force, at the present time, consists of two clerks, one process server, four stenographers, and one telephone operator. This will only be sufficient for the summer months, and in the autumn, the services of more clerks will be essential to properly keep up to date the rapidly growing records of the office, and to prevent other miscellaneous matters of routine from running behindhand.

It is a pleasure for me, before closing, to make a specific matter of record the loyal, efficient and well-sustained efforts of the attorneys and clerks who have been taken into the department under my supervision, and to assure you that a mere perfunctory performance of duty on their part would have made the progress recorded a sheer impossibility, and lastly, I permit myself a word to express my own satisfaction at my opportunity to share in the work of the great public project you have so successfully undertaken.

I remain, with respectful esteem,

Very truly yours,

THEODOSIUS F. STEVENS,

Dated New York, June 30, 1916.

Counsel to the Commission.



TAKING ADVANTAGE OF FLOODED CONDITIONS

TABLE A OF COUNSEL'S REPORT

LANDS ACQUIRED, AND UNDER CONTRACT, ETC.—JUNE 5, 1913 TO JUNE 30, 1915

	Contract Price, Including Buildings	Cost of Title Insurance*	Average Cost of Title Insurance Per Parcel
Land acquired by purchase and paid for..	\$2,726,671.81	\$15,229.18	\$33.32
Twelve closings deferred on account of question of title.....	86,096.80	363.38	30.28
Land under contract (Schedule 12).....	506,762.00	2,603.74	26.04
Agreements to purchase (Schedule 13) ..	152,258.00	909.16	14.20
TOTAL.....	\$3,471,788.61	\$19,105.46*	\$30.18

TABLE B OF COUNSEL'S REPORT

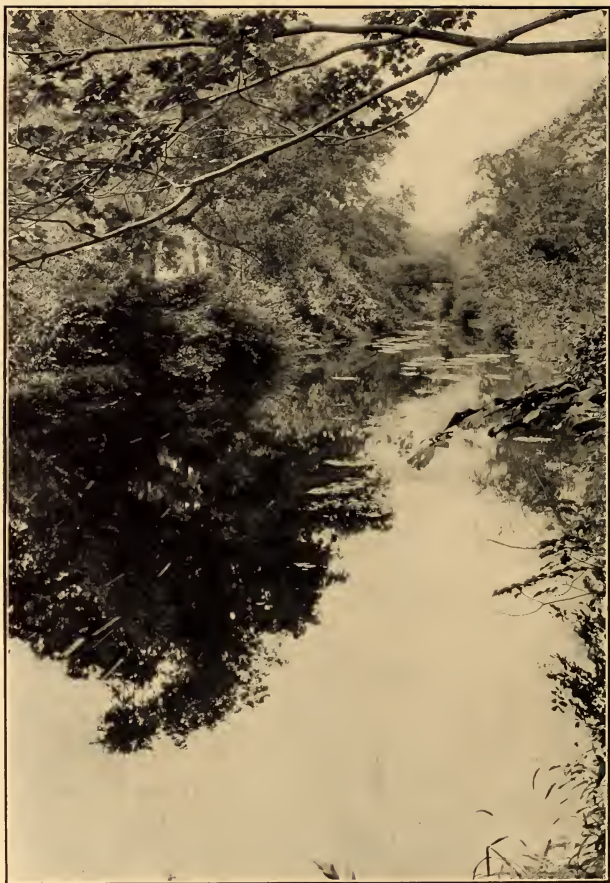
COST OF LAW WORK—JULY 17, 1911, TO JUNE 30, 1915

Rent (August 1, 1914, to date).....	\$660.00
Salaries, Regular (August 1, 1914, to date).....	4,217.96
Paid Special Counsel (July 17, 1911, to date).....	4,416.57

(This item includes all sums paid to special counsel for special services of every nature, from July 17, 1911, to date, including the cost of successfully defending, at Special Term and Appellate Division, the proceeding to mandamus the Commission to commence condemnation proceedings, and also the cost of dismissing, as trivial and insufficient, the charges brought to remove the Commissioners before the Governor's special Commissioner.)

Traveling expenses, serving processes.....	10.60
Extra stenographic hire to date.....	518.59
Stationery, printing, supplies, to date.....	384.52
Sundries to date.....	77.25
TOTAL.....	\$10,285.49

* Subject to certain deductions upon titles where policies are not finally accepted, and includes title insurance paid upon lands donated.



PEACEFULNESS



FOOT PATH

TABLE C OF COUNSEL'S REPORT

LANDS ACQUIRED AND UNDER CONTRACT (EXCLUDING STREETS)—JUNE 5, 1915, TO JUNE 30, 1916

	Contract Price with Buildings, but without Interest	Cost of Title Insurance*	Average Cost of Title Insurance Per Parcel
Lands acquired, Schedules 1 to 13, inclusive, and shown in detail in report ending June 30, 1915.....	\$3,471,788.61	\$19,105.46	\$30.18
Land acquired, Schedule 14.....	85,892.00	525.71	23.90
Land acquired, Schedule 15.....	123,490.00	594.09	25.83
Land under contract, Schedule 16.....	114,029.00	519.83	30.58
TOTAL.....	\$3,795,199.61	\$20,745.09	\$29.56
Less closings on 16 parcels deferred on account of vendor's refusal or inability to convey†.....	98,649.00†	59.17	(No deduction where report is furnished)
NET TOTAL.....	\$3,696,550.61	\$20,685.92*	.....
VALHALLA CONTRACTS:			
Harlem Valley Supply Co.....	\$8,001.00		
Charles F. Wyckoff.....	17,000.00		
Shelley Brothers.....	4,500.00		
Eva M. Shelley, <i>et al.</i>	500.00		
F. K. Betts.....	18,000.00		
	48,001.00		
	\$3,744,551.61		

* Subject to certain deductions where title policies are not finally accepted, and includes title insurance paid upon lands donated.

† The closings upon 16 titles have been deferred for the following reasons:

Schedule	Sheet	Parcel	Amount	Cause
10	14	65	\$410.00	Infancy proceedings pending.
11	25	7	2,053.00	Infancy proceedings pending.
12	10	108	100.00	Vendor has not signed contract.
..	10	106	788.00	Outstanding tax liens.
..	3	4	3,538.00	Foreclosure pending, to clear title.
..	11	2, 3, 4, 5 and 6	78,900.00	Owner has not signed contract.
..	8	Strips	1,242.00	Mtgs. held by persons unknown.
..	30	40	200.00	Owner has not signed contract.
..	14	56	400.00	Owner has not signed contract.
..	12	15	6,512.00	Owner has not signed contract.
..	26	16	725.00	Outstanding tax liens.
..	30	37	202.00	Outstanding tax lien.
13	5	16, 28	1,450.00	Legal incapacity to convey.
..	10	12	610.00	Cloud on title.
..	10	76	767.00	Legal incapacity to convey.
..	1	27	752.00	Fee interest in unknown owners.
		TOTAL.....	\$98,649.00	

TABLE D OF COUNSEL'S REPORT

COST TO JUNE 30, 1916, OF ALL LAW EXPENSES, BOTH GENERAL AND CONDEMNATION

	GENERAL LAW EXPENSES*		CONDEMNATION EXPENSES*	Grand Total
	July, 1911 to June 30, 1915	June 30, 1915 to June 30, 1916	October, 1915 to June 30, 1916	
Rent.....	\$ 660.00	\$ 600.00	\$ 487.50	\$1,747.50
Salaries, regular.....	4,217.96	4,500.00	12,275.79	20,993.75
Paid Counsel, retained for special services†.....	4,416.57†	.....	388.25	4,804.82
Extra stenographic—clerical hire....	518.59	122.50	24.45	665.54
Clerk's fees on entering judgments, filing papers, etc.....	.....	.....	170.66	170.66
Paid for Appraisals, and attendance of expert witnesses.....	.....	.....	722.00	722.00
Title examination for condemnation proceedings.....	.....	.....	4,869.77	4,869.77
Traveling expenses, serving process, etc.....	10.60	.....	351.40	362.00
Stationery supplies, letterheads, etc. }	354.84	.....	167.17	522.01
Printing law forms.....	.....	.....	223.65	223.65
Law printing in condemnation pro- ceedings, petitions, judgments, etc. }	.....	.....	1,708.92	1,708.92
Office supplies, record books, etc. }	29.68	.....	180.78	210.46
Minutes of condemnation hearings....	.....	.....	1,008.44	1,008.44
Furniture and fixtures.....	.....	87.00	442.30	529.30
Telephone and telegraph.....	.....	.....	120.11	120.11
Sundries, postage, etc.....	77.25	.....	230.07	307.32
TOTAL.....	\$10,285.49	\$5,309.50	\$23,371.26	\$38,966.25

* The total general law expenses of \$15,594.99 covers a period of four years, from July, 1911 to June 30, 1915. The total condemnation expenses of \$23,371.26 covers the nine months during which proceedings have been in preparation and progress, namely, from October, 1915, to June, 1916.

† See Table B of this report.

TABLE E OF COUNSEL'S REPORT

SHOWING RELATIVE NUMBER OF PARCELS PURCHASED OR TO BE CONDEMNED
(EXCLUDING STREETS)

Sheet	Parcels Acquired or under Contract or owned by R. R. Companies and under Negotiation for Purchase or which for Special Reasons Need not be Condemned	Parcels on which Condemnation Proceedings are Pending	Parcels Remaining which must be Purchased or Condemned	Total
1.....	63	27	4	94
2.....	33	9	2	44
3.....	36	12	4	52
4.....	22	10	1	33
5.....	70	11	3	84
6.....	6	..	3	9
7.....	46	22	5	73
8.....	14	11	7	32
9.....	53	2	5	60
10.....	77	11	1	89
11.....	26	19	1	46
12.....	16	7	2	25
13.....	76	16	2	94
14.....	46	19	2	67
15.....	19	34	3	56
16.....	5	5	1	11
17.....	3	2	..	5
18.....	4	..	..	4
19.....	6	..	..	6
20.....	6	..	..	6
21.....	5	..	..	5
22.....	2	..	..	2
23.....	11	22	1	34
24.....	36	35	2	73
25.....	47*	16	9	72
26†.....	3	..	41†	44
27†.....	17	..	10†	27
28†.....	37	..	12†	49
29†.....	16	..	22†	38
30†.....	13	..	39	52
TOTAL.....	814	290	182	1286

* In addition to the parcels listed on Sheet 25, there are some 32 small gores or strips of land marking a shift in the Bronx River bed, the Commission has acquired either by purchase or condemnation, the right, title and interest to twenty-four of these gores, which are designated on the map as "A" and "B" parcels.

† The general condemnation proceedings have not yet been brought on Sheets 26, 27, 28, 29, 30 (the district north of White Plains and Valhalla). Proceedings will be instituted upon these sheets in the autumn.

TABLE F OF COUNSEL'S REPORT
ANALYSIS OF PROGRESS OF CONDEMNATION PROCEEDINGS PENDING
(EXCLUDING STREETS)

Sheet	Number of Parcels in Pro- ceedings	Purchased after Petition Filed	Dis- continued, Jurisdiction not Obtained	Objections Filed	Objections Overruled with Costs	Trial on Objections Pending	Judgment of Con- demnation Granted
1	28	1	..	..	..	..	27
2	9	..	..	..	..	..	9
3	13	1	..	1	1	..	12
4	10	..	..	..	..	..	10
5	12	1	..	1	..	1	10
6	1	..	1	..	..	..	..
7	22	..	..	..	..	..	22
8	12	..	1	..	..	..	11
9	3	1	..	..	..	..	2
10	13	1	1	..	..	..	11
11	19	..	..	..	..	..	19
12	7	..	..	..	..	..	7
13	16	..	..	..	..	..	16
14	20	1	..	..	..	..	19
15	34	..	..	..	..	..	34
16	5	..	..	4	4	..	5
17	2	..	..	2	2	..	2
23	22	..	..	6	6	..	22
24	38	3	..	2	2	..	35
25	16*	..	..	2	..	2	14
TOTAL....	302	9	3	18	15	3	287

* This number does not include 5 small gores or strips of land marking a shift in the Bronx River bed, designated on the map as "A" parcels. (See foot note (*) to Table E on preceding page.)

TABLE G OF COUNSEL'S REPORT

DETAIL ANALYSIS OF THE PARCELS OF LAND (EXCLUSIVE OF STREET LANDS) UPON WHICH JUDGMENT OF CONDEMNATION HAD BEEN GRANTED ON JUNE 30, 1916, AND ALSO CONTAINING THE DATES ON WHICH THE TITLE TO EACH PARCEL VESTED IN THE BRONX PARKWAY COMMISSION

Condemnation Proceeding Number	NUMBER OF PARCELS IN THE PROCEEDINGS BY SHEET AND PARCEL NUMBER ON BRONX PARKWAY COMMISSION MAP			Date Title Vested in Commission
	Sheet Number	Number of Parcels	Parcel Number	
1	1	27	3, 4, 9, 11, 13, 15, 20, 21, 24, 26, 32, 33, 38, 39, 40, 41, 48, 49, 55, 61, 62, 63, 65, 67, 68, 89, 90	April 11, 1916
	2	8	2, 5, 21, 22, 23, 34, 35, 46	
	3	9	1, 11, 12, 18, 22, 31, 39, 40, 51	
	4	10	4, 5, 6†, 7, 8, 15, 18, 20, 21, 36	
1-A	3	3	27, 28, 29	April 29, 1916
1-B**	2	1	12	July 13, 1916*
2	23	16	3, 5, 8, 10, 12, 22, 23, 27, 28, 30, 31, 32, 34, 35, 36, 39	March 31, 1916
	24	33	2†, 4, 6, 7, 9, 11, 13, 14, 15, 18, 19, 21, 22, 23, 27, 32, 33, 34, 35, 36, 37, 38, 39, 43, 46, 48, 49, 54, 56, 57, 59, 68, 71	
	25	10	24, 31††, 37, 38, 40, 43, 51 easterly portion, 51 westerly portion, 52, 53	
2-A	23	5	4, 13, 16, 17, 18	July 17, 1916*
2-B	—	—	Application for judgment pending	
2-C	23	1	26	July 17, 1917*
	24	2	30, 67	
2-D	25	4	48, 56, 58, 73	June 26, 1916
2-E	—	—	Consolidated with proceeding 2-E	
3	10	11	1, 6, 11, 12, 33, 76, 80, 88, 91, 98, 108	May 11, 1916
	11	19	2, 3, 4, 5, 6, 8, 9, 22, 26, 51, 52, 62, 63, 85, 86, 87, 88, 89, 90	
	12	7	7, 8, 9, 10, 28, 70, 71	
	13	16	52, 64, 66, 71, 76, 77, 78, 79, 80, 86, 87, 91†, 96, 99, 106, 107	
4	14	19	1, 2, 3, 5, 10, 11, 12, 14, 17, 18, 29, 30, 32, 35, 36, 37, 48, 51, 71	July 1, 1916*
	15	34	2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 19, 20, 21, 23, 24, 26, 29, 30, 31, 32, 39, 40, 43, 49, 50, 52, 54, 55, 57, 58, 59	
	16	1	5	
4-A	16	4	1, 2, 6, 7	Judgment not yet entered
	17	2	2, 4	
5	5	10	8, 35, 36, 38, 41, 43, 47, 56, 68, 97	July 20, 1916*
	7	22	2, 6, 8, 11, 16, 18, 22, 26, 31, 36, 45, 46, 48, 49, 51, 52, 53, 54, 59, 62, 72, 74	
	8	11	1, 4, 5, 6, 7, 8, 23, 24, 26, 32, 35	
	9	2	35, 41	
5-A	—	—	Application for judgment pending	

Total Number of Parcels 287* (upon which judgment has been granted)

* Judgment of condemnation upon these parcels had been granted prior to June 30, 1916, but title did not vest by law in the Bronx Parkway Commission until the filing of the oaths of the commissioners of appraisal on this date.

** Appeal pending.

† Portion of the parcel only.

†† Includes Parcel 31A, also.

¶ It will be noticed that this total corresponds to the total shown by the last column of Table F (ante page 117)



RIVER BANK OPPOSITE STATION, HARTSDALE



A BEAUTIFUL SECTION OF THE RIVER, BRONXVILLE AND YONKERS

BRONX RIVER PARKWAY LAW

CHAPTER 594, LAWS OF 1907,

AS AMENDED BY

CHAPTER 757, LAWS OF 1913,

AND

CHAPTER 599, LAWS OF 1916

AN ACT

TO PROVIDE FOR PRESERVING THE WATERS OF THE BRONX RIVER FROM POLLUTION; CREATING A RESERVATION OF THE LANDS ON EITHER SIDE OF THE RIVER; AUTHORIZING THE TAKING OF LANDS FOR THAT PURPOSE AND PROVIDING FOR THE PAYMENT THEREOF, AND APPOINTING A COMMISSION TO CARRY OUT THE PURPOSES OF THE ACT, IN RELATION TO THE PURCHASE AND CONDEMNATION OF LANDS AND PAYMENT THEREFOR UNDER THE AUTHORITY OF SAID ACT

SECTION 1

Description of Lands

All those certain pieces or parcels of land hereinafter described and situate in the borough of the Bronx, city of New York, and in the county of Westchester, are hereby set aside as a Bronx river reserve and parkway, and the hereby declared to constitute, when acquired and improved as hereinafter prescribed, a public parkway for public use, to wit: a tract lying and extending along the banks of the said river, from Bronx park in the city of New York, through the city and county of New York to the southerly line of Westchester county; thence in the said county of Westchester, through the cities of Yonkers and Mount Vernon, and the townships of Eastchester, Greenburgh, Scarsdale, White Plains, Mount Pleasant and North Castle, and adjoining lands belonging to the city of New York at the Kensico reservoir; the said reservation being designated and shown on a certain map entitled "Map showing proposed extension of Bronx river reserve and parkway, for Bronx river parkway commission, dated December, nineteen hundred and six," and being more particularly bounded and described by separate parcels, as follows:

[Balance of this section is a technical description of parkway area.]

SECTION 2

Appointment of Commission

Within ten days after this act takes effect the governor shall appoint three citizens of the state, one a resident of the borough of Manhattan, New York city; one a resident of the borough of the Bronx, New York city, and one a resident of the county of Westchester, who with their successors in office, shall be the commissioners under this act, and shall be known and described as the Bronx Parkway Commission, and are hereby authorized, empowered and directed to carry out the provisions of this act in the manner hereinafter provided for the purposes of establishing a public park for public use in the Bronx river valley, within the county of Westchester, and borough of the Bronx, in the city of New York, and preventing the pollution of the Bronx river.

SECTION 3

Salaries and Vacancies

The said commissioners shall each receive a salary at the rate of two thousand five hundred dollars per annum, during their term of office, which shall be in lieu of

all traveling expenses or other disbursements in the performance of the duties of his office; one of said commissioners shall hold office for the term of three years from the date of organization; one for the term of four years from the date of organization, and one for the term of five years from the date of organization; said terms to be determined by lot, and at the expiration of each of such terms, and of the terms of their successors in office, the governor shall appoint a commissioner for the full term of five years. In case of a vacancy occurring by death, resignation or otherwise, the governor shall appoint a commissioner to fill the unexpired term, such appointment shall be made so that at all times one of said commissioners shall be a resident of the borough of Manhattan, New York city; one a resident of the borough of the Bronx, New York city, and one commissioner a resident of the county of Westchester, and each commissioner so appointed shall, before entering upon the duties of his office and within twenty days from the time of his appointment, make and file an oath in duplicate, as hereinafter required of the original members of the commission.

SECTION 4

Organization

The said commissioners shall meet in the county of Westchester, or in the borough of Manhattan, or borough of the Bronx, New York city, within twenty days after the passage of this act, and after making oath that they will faithfully and impartially exercise and perform the duties imposed upon them by law, shall organize the said commission, and shall elect from its members, a president, vice-president and treasurer; said oath shall be filed in the office of the clerk of the county of New York, and a duplicate thereof shall be filed in the office of the clerk of the county of Westchester.

SECTION 5

Power to Adopt Rules and Enforce Penalties

The commissioners and their successors are hereby created a body politic with power to sue and be sued, to use a common seal, to adopt by-laws, to regulate its own proceedings, to make suitable rules and regulations for the proper exercise of the powers and duties hereby conferred and imposed upon it, and for the government and use of the public reservation under its care, and to enforce observation of all rules and regulations made in pursuance of this act by prescribing a penalty, not exceeding fifty dollars, in any one case of violation for any person or corporation violating the same, to be recovered, with costs, in a civil action in any court having jurisdiction thereof; the action to recover penalties under the rules and regulations made in pursuance of the authority hereby granted, shall be brought in the corporate name of said the Bronx Parkway Commission, and in such action it shall be lawful to declare or complain particularly for such penalty, stating the section of this act or rule or regulation under which the penalty is claimed.

SECTION 6

Powers and Duties in Acquiring Land

The said commission shall annually choose from its members a president, vice-president and treasurer and may appoint a secretary, who shall keep a record of its proceedings, which shall be a public record and be open to public inspection at such times and under such reasonable regulations as the commission shall determine. The said commission shall maintain a suitable office where its maps, plans, papers and records shall be kept, and for the purposes of this act, such commissioners may retain all necessary counsel and attorneys, and are empowered to employ, and at pleasure discharge, a secretary, engineer, landscape architect, and such other officers and employees as it may deem necessary; and may determine their duties and fix their compensation, and said commissioners shall have power to, and shall, so soon as may be after its organization, and from time to time, proceed to acquire, maintain and make available for use as a public park, the lands described in section one of this act, and for that purpose shall have power to take, in fee or otherwise, by purchase, covenant, devise or eminent domain, the said lands or any of them, and any rights, interests and easements therein; and may enter upon any and all the

lands described in this act or adjoining said lands, when necessary to carry out the purposes of this commission, and may survey the same and take levels thereof, and by themselves, their representatives and agents, do all things necessary to the preparation for the laying out of a public park from the northerly boundary line of Bronx park, borough of the Bronx, to the lands belonging to the city of New York, at the Kensico reservoir in Westchester county.

SECTION 7

Survey to be Made; Map to be Filed

Before any proceedings shall be had for acquiring title to any of the real estate required for the purposes of this act, the said commissioners shall cause an accurate survey to be made of the lands within the park area, and a map to be prepared therefrom showing the boundaries thereof, and so far as may be, the several parcels of real estate to be taken; a copy of which map certified by a majority of said commissioners shall be filed in the office of the register of the county of New York, and a copy of which map, similarly certified, shall be filed in the office of the register of the county of Westchester. Said maps may be made and filed in sections.

SECTION 8

Public Purpose Declared—Notice of Filing Maps to be Published

The construction and maintenance of the said park and the work authorized by this act are hereby declared to be for a public purpose. Upon the filing of the maps, or any section thereof, as above provided for, the commission shall give notice thereof by publishing a notice of such filing in a paper of general circulation published in the county of Westchester, and in a paper of general circulation published in the borough of the Bronx and in one of the daily papers published in the borough of Manhattan. Said notice shall be published once a week for four successive weeks. No recovery shall be had for buildings or other improvements constructed upon the lands so to be taken after the completion of the publication of said notice.

SECTION 9

Power to Enter Upon Any Land or Tributary Waters

The said commissioners and their agents, engineers, surveyors and such other persons as may be necessary to employ to perform the duties necessary to carry out the provisions of this act, are hereby authorized to enter upon the lands or waters tributaries to said Bronx river, or contiguous to the line of said parkway hereby provided for, for the purpose of making surveys or examinations and preparing the maps required by this act.

SECTION 10

Title of Lands Exempt from Taxes

The title to all real estate required for carrying out the provisions of this act, shall be taken in the name of the Bronx Parkway Commission, in fee, and shall be exempt from taxes and assessments.

SECTION 11

Power to Purchase Parcels

The said commissioners may agree with the owner of any real estate or of any easement necessary to be acquired, as to the amount of compensation to be paid to such owner for the taking of said real estate or easement.

SECTION 12

Definition of Real Estate

The term real estate as used in this act, shall be construed to signify and embrace all uplands, lands under water, the water of any lake, pond or stream, all water or mill rights or privileges, and any and all easements and incorporeal hereditaments,

and every estate, interest and right, legal and equitable, in lands or water, including terms for years, and liens thereon by way of judgment, mortgage, or otherwise, and also all claims for damages for such real estate. It shall also be construed to include all real estate (as the term is above defined) heretofore or hereafter acquired or used for railroad, highway or other public purposes, providing the persons or corporations owning such real estate, or claiming interest therein, shall be allowed the perpetual use, for such purpose, of the same or of such other real estate to be acquired for the purposes of this act as will afford practicable route or location for such railroad, highway or other public purpose, and in the case of a railroad commensurate with and adapted to its needs; and provided also, that such persons or corporations shall not, directly or indirectly, be subject to expense, loss, or damage, by reason of changing such route or location, but that such expense, loss or damage shall be borne in like manner as the expenses incurred in carrying out the provisions of this act.

SECTION 13

Condemnation Authorized—Appoint Commissioners of Appraisal, How Made

In the event that the said Bronx Parkway Commission shall be unable to agree with the owners of lands described herein, or deemed necessary by said Bronx Parkway Commission, or if by reason of legal incapacity or absence of such owner no agreement can be made for the purchase of such lands or easements, the rights or interests in lands or easements so deemed necessary for the purposes of this act shall be acquired by condemnation proceedings instituted and carried on by said Bronx Parkway Commission, in the manner provided by the code of civil procedure for the condemnation of real property for like purposes, except as herein otherwise provided, and in the name of the Bronx Parkway Commission; and it shall thereupon be lawful for said Bronx Parkway Commission to apply to the supreme court in the county where such lands are located, for the appointment of commissioners of appraisal, and it shall be lawful for the court thereupon to name and appoint as such commissioners of appraisal three disinterested persons, two of whom shall be residents of Bronx county and one a resident of the county of Westchester where the property to be taken is located in Bronx county, and two of whom shall be residents of the county of Westchester and one a resident of Bronx county, where the property to be taken is located in the county of Westchester. Such commissioners shall thereupon proceed in the manner provided by law.

SECTION 14

Title Vestments in Condemnation Proceedings—Power to Construct Roads, etc., and Grant Licenses or Easements, etc.

Whenever commissioners of appraisal shall be appointed in proceedings for the condemnation of real property pursuant to this act, the Bronx Parkway Commission shall, on filing the oaths of said commissioners of appraisal in the office of the clerk of Bronx county, and a duplicate copy in the office of the clerk of the county of Westchester, be and become seized of all the parcels of real estate, named and described in such proceedings, and the said Bronx Parkway Commission may immediately, or at any time thereafter, take possession of the same, or any part or parts thereof, and the said Bronx Parkway Commission, and its successor or successors, acting under its or their authority may enter upon and use and occupy in perpetuity all the parcels of real estate described in the proceedings for the condemnation thereof, for the purpose of laying out, constructing and maintaining the said park and its appurtenances. Said Bronx Parkway Commission appointed under this act shall have power to lay out, construct and maintain roads and pathways and boulevards across and over said parkway, and to lay out, construct and maintain roads and ways connecting the roads and ways within said park with other public roads and ways outside of said park; and may grant easements to municipal corporations to construct and maintain at such place or places as the Bronx Parkway Commission may designate, roads, bridges and viaducts within and across said parkway, and in addition thereto may grant licenses or easements to individuals, copartnerships and corporations, including municipal corporations, to construct sewers, lay water and gas mains, and electric conduits within and across said parkway.

SECTION 15

Payment of Expenses, Lands, etc.: Westchester County's Share

Whenever the said Bronx Parkway Commission shall have agreed with any person or corporation upon the price to be paid for any parcel of land to be taken and upon confirmation of any report of the commissioners of appraisal appointed to ascertain the compensation to be made to the owner as hereinabove provided, the Bronx Parkway Commission shall forthwith notify the mayor of the city of New York and the board of supervisors of the county of Westchester of the amount necessary to pay for said lands so purchased, together with interest, if any, due thereon, together with the expenses of acquiring the same, together with the amount of damages awarded with the interest on such awards from the date of filing the oath of said commissioners of appraisal, together with the compensation of said commissioners of appraisal, as fixed by the court, and only such costs, disbursements and allowances of the parties which may be taxed pursuant to the code of civil procedure and thereupon the board of supervisors of the county of Westchester are hereby required and empowered to raise as prescribed in section seventeen of this act, either by tax levy assessed upon the taxable real and personal estate in said county or by an issue of bonds, an amount necessary to pay one-fourth of the total amount for said lands so purchased, together with one-fourth of the interest, if any, due thereon, together with one-fourth of the expense of acquiring the same, together with one-fourth of the amount of damages awarded, together with one-fourth of the interest on the awards made, from the date of filing the oath of said commissioners of appraisal, together with one-fourth of the compensation of said commissioners of appraisal as fixed by the court and one-fourth of such costs, disbursements and allowances of the parties which may be taxed, and to pay over the same when raised to the comptroller of the city of New York, who shall apply the same toward the payment of the purchase price of lands so purchased and of such awards, compensation to the commissioners of appraisal, interest, costs, disbursements, allowances and expenses.

SECTION 15A

Authority to Westchester County to Issue Bonds

To pay the share of the cost of acquisition of the real estate and of the laying out and opening of the parkway as herein provided, and the expenses incidental thereto which is chargeable against the county of Westchester, the county of Westchester is hereby authorized to issue in the name and under the seal of the said county its bonds in addition to the amount which it is now authorized to raise, in such sum or sums as shall equal the entire proportionate share of the cost of the parkway hereunder chargeable against the county of Westchester.

SECTION 15B

Bonds: Execution and Issuance; How and When Payable; Exempt from Taxation; Legal Investment

Such bonds and interest shall be payable by their terms by assessment and levy of taxes upon the entire property in the county of Westchester, in ratio prescribed in section seventeen of this act, and they shall be executed when authorized by the board of supervisors of Westchester county. Said bonds shall be executed by the chairman of the board of supervisors of Westchester county and the treasurer of Westchester county. Said bonds are to be issued in serial form and not sold for less than par in amounts to be fixed by the said Bronx Parkway Commission. One-fiftieth of the estimated total issue thereof shall be payable twenty-five years from the time the first bonds are issued; and thereafter one-fiftieth thereof shall be payable in each year until the whole issue of said bonds shall be fully paid. The bonds issued hereunder shall be called "The Bronx Parkway bonds of the county of Westchester." Said bonds shall be issued at a rate of interest not to exceed five per centum per annum, and they shall be exempt from all taxation by said state or by any county, city or other subdivision of said state, and shall be a legal investment for savings banks, trust companies, executors and trustees.

SECTION 15C

Bonds: Form and Terms

Said bonds shall be in substantially the following form and contain substantially the following provisions:

Bronx Parkway Bond. County of Westchester.

Know all men by these presents, That the county of Westchester, a municipal corporation in the state of New York, hereby promises to pay to bearer one thousand dollars (\$1,000) on the first day of January, 19 . . . , with interest thereon at the rate of per centum per annum, payable semi-annually, January first and July first, upon the presentation of the coupons hereto attached as they severally become due, both principal and interest payable in gold coin of the United States of the present standard of weight and fineness, at in the city and state of New York.

This bond is issued under and pursuant to the provisions of an act of the legislature of the state of New York approved _____, nineteen hundred _____ and seven, entitled _____ for the purposes provided in the said act, and is payable as provided in said act. The full faith and credit of the county is pledged to the full performance of all of its duties under the said act, including among other things the levy and collection of taxes within the said county for the payment of the principal and interest of this bond and of the balance of the series of which this is a part, as they respectively become due. This bond, by the law under which it is issued, is exempt from all taxation by said state or by any county, city or any subdivision of said state, and it is a legal investment for savings banks, trust companies, executors and trustees.

It is hereby certified, recited and declared that all things required to exist, happen and be performed precedent to and in the issuing of this bond have existed, happened and been performed, in due form and manner as required by law, and that the amount of this bond does not exceed any limit prescribed by the said act or by the constitution or statutes of said state.

This bond may be registered as to both principal and interest upon presentation to the county treasurer, who shall upon such registration cut off and cancel the unmatured coupons on this bond, and write the name of the registered owner in the blank on the back of this bond, and also the signature of the said county treasurer, and thereafter the principal and interest will be paid only to such registered owner. And this bond shall be transferable thereafter only on the books of the treasurer of said county, on the presentation of this bond, together with a transfer thereof, duly executed by the registered owner in person or by attorney.

In witness whereof the said county of Westchester has caused this bond to be signed by the chairman of its board of supervisors and its county treasurer and its corporate seal to be hereto affixed, attested by the clerk of the said board of supervisors, and the coupons hereto attached to bear the engraved lithographed signature of the treasurer of said county, and this bond to be dated the first day of January,

Attest: _____ Treasurer of the County of Westchester.

Clerk of the Board of Supervisors.

(Form of Coupon.)

On the first day of July (or January, as the case may be), 19...., the county of Westchester, state of New York, will pay to bearer at in the city and state of New York, dollars (\$.....) in gold coin of the United States of the present standard weight and fineness, being six months' interest then due on Bronx Parkway bond of the county of Westchester, dated January 1, 19...., number, as provided by the law under which said bond is issued.

County Treasurer.

(Form of Registration.)

Date of registration.

{	Name of registered	}
{	owner.	}

County Treasurer.

SECTION 15D

Temporary Loans and Certificates Authorized

The county treasurer of the county of Westchester is authorized, empowered and directed, during the acquisition of the real estate and of the laying out and construction of said parkway by the Bronx Parkway Commissioners, upon the demand of the said commissioners hereunder to make temporary loans and issue temporary certificates for the purpose of paying the proportionate share due and owing from the county of Westchester for the acquisition of said real estate and the construction and laying out of said parkway, and all incidental expenses connected therewith, to carry out the provisions of this act; said certificates of indebtedness to be duly signed by the chairman of the board of supervisors and the county treasurer of said county.

SECTION 15E

Temporary Certificates: How Payable

Said certificates shall be payable from the proceeds of the sale of bonds prescribed and to be included within the amount of bonds herein prescribed; and said certificates shall not bear interest at a rate to exceed six per centum per annum. Said temporary certificates of indebtedness shall be payable only out of the proceeds of sale of bonds, or be payable only out of taxes levied and collected, or to be levied and collected as provided by this act.

SECTION 15F

Providing Funds to Pay Bonds

To the end that the interest and principal of said bonds shall be promptly paid when due, it shall be the duty of the board of supervisors of said county to make the said annual levies, as in this act provided, in an amount sufficient, making reasonable allowances for delinquencies and failures to collect, to meet the said interest and principal promptly when the same respectively fall due; and if when any installment of interest or principal falls due there shall not be sufficient moneys in the hands of the county treasurer from the said levies to pay such installment of interest or principal, then any amount necessary to make such payment and prevent any default shall be temporarily advanced by the said county treasurer out of any general funds of said county, or the board of supervisors of the county may issue temporary certificates of indebtedness.

SECTION 15G

Supervisors to Prescribe Form of Certificates

Said certificates of indebtedness may be in such form and bear such rates of interest not exceeding six per centum as may be provided by the board of supervisors. Matured coupons of bonds issued under this act shall be receivable for any of the taxes levied under the provisions of this act.

SECTION 15H

Payment of Expenses, Lands, etc.: New York City's Share—Corporate Stock—City of New York to Pay Condemnation Awards, Expenses, Interest, Costs, etc., Method of Providing Funds

It shall be the duty of the city of New York to pay the amount of such expenses, and to pay for said lands, together with interest, if any, due upon the purchase price thereof purchased under the provisions of this act, and within three calendar months after the date of the entry of the order confirming the report of commissioners of appraisal, to pay the amount of damages awarded, together with interest on the awards made from the date of filing the oath of said commissioners of appraisal, together with the compensation of said commissioners of appraisal as fixed by the court, and only such costs, disbursements, and allowances of the parties which may be taxed pursuant to the code of civil procedure. Such payment shall be made to the persons, corporations or parties entitled thereto, or by payment into court, in accordance with the provisions of section fifteen, subdivision "J" of this act, and in default thereof, said persons, corporations or parties, respectively, may at any time or times after application first made by him or them to the comptroller of

the city of New York for payment thereof, sue for and recover the same, with lawful interest, as aforesaid, and costs of suit; and in order to provide the funds therefore, the proper authorities of the said city of New York are hereby authorized to issue corporate stock of said city, in the manner provided by law, as may be necessary, less the amount of the funds received by the city of New York from the county of Westchester under the provisions of this act.

SECTION 15 I

Office Facilities and Clerks for Commissioners of Appraisal

In all condemnation proceedings heretofore or hereafter instituted, pursuant to this act, it shall be the duty of the Bronx Parkway Commission to furnish the commissioners of appraisal such necessary clerks and other employees, and to provide such suitable offices as may be necessary to enable them to fully and satisfactorily discharge the duties imposed upon them.

SECTION 15 J

Disposition of Awards Where Owners are under Disability, or Absent, or Unknown, or Where Pledged or Assigned, or in Dispute; Remedies

In all condemnation proceedings heretofore or hereafter instituted, pursuant to the provisions of this act, when an owner, in whose favor an award shall have been made in a final order, or in a report of commissioners of appraisal, which has been confirmed by the court, is under legal disability or absent from the city of New York or the county of Westchester, and when the name of the owner shall not be set forth or mentioned in said final order or in the report of the commissioners of appraisal, or when the owner, although named in said report or final order, cannot, upon diligent inquiry, be found, or where there are adverse or conflicting claims to the money or any part of it to be paid as compensation for the property taken, the city of New York shall pay so much of such award into court as the court may direct, to be secured, disposed of, invested, and paid out as the court may direct, and the court may determine who is entitled to the same, and direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts on which such determination and direction are made; and such payments shall be valid and effectual in all respects as if made to the owner; and in default of such payment into court, the city of New York shall be and remain liable for such award with lawful interest thereon from the day upon which title to the real property for which said award is made vested in the Bronx Park Commission. Where an award shall be paid to a person not entitled thereto, the person to whom it ought to have been paid may sue for and recover the same, with lawful interest and costs of suit as to so much money had and received to his use by the person to whom the same shall have been so paid. Payment of an award to a person named in the report of the final order as the owner thereof, if not under legal disability, shall, in the absence of notice in writing to the comptroller of the city of New York of adverse claims thereto, protect the city of New York. In case of the pledge, sale, transfer, or assignment of an award by the person entitled to receive the same by virtue of the report of the commissioners of appraisal, or by a final order of the court, or any other order of the court, the instrument evidencing such pledge, sale, transfer, or assignment, acknowledged or proved as instruments, are required to be acknowledged or proved for the recording of transfers of real property, shall be filed in the office of the comptroller of the city of New York, who shall endorse on the said instrument its number, and the hour, day, month, and year of its receipt. If an assignment of an award be contained in an instrument recorded in an office in which instruments affecting real property are by law required to be recorded, a certified copy thereof may be filed in the office of said comptroller in place of the original. An index shall be kept in alphabetical order under the name of the pledgor or assignor, and also the pledgee or assignee, stating the title of the proceeding, the time of the filing of the instrument, the file number thereof, and what part of the award is assigned thereby. Every such instrument not so filed shall be void as against any subsequent pledgee or assignee in good faith and for a valuable consideration from the same pledgor or assignor, his heirs, administrators or assigns, of the same award or any portion thereof, the assignment of which is first duly filed in the office of the said comptroller. Pay-

ment to the assignee or pledgee shown to be entitled to the award by said record in the office of the comptroller shall protect the city of New York from liability to any other person or persons.

SECTION 15K

Compensation of Commissioners of Appraisal

In all condemnation proceedings heretofore or hereafter instituted pursuant to the provisions of this act, each commissioner of appraisal, upon the confirmation of the report or other determination of the proceeding, shall be entitled to receive in full compensation for his services as such commissioner of appraisal, and in bar of all other claims for compensation expenses, an allowance as may be fixed and awarded by the court as herein provided, not exceeding five dollars for every full hour upon each day upon which he attends a meeting of said commissioners of appraisal and is actually and necessarily employed in the performance of the duties imposed upon said commissioners of appraisal at the offices provided for such commissioners of appraisal or at the meeting of the commissioners of appraisal to view the premises, provided that such compensation shall not be paid until it shall have been awarded and fixed by order of the court upon five days' notice to the Bronx Parkway Commission, and upon proof by affidavit showing the nature and extent of the services rendered, the dates of rendering services, and the number of hours and parts of an hour necessarily occupied upon each date. A copy of such proof shall be served upon said Bronx Parkway Commission with the notice of taxation.

SECTION 15L

Appeals

In addition to any appeal or appeals which may be authorized by law to be taken from any judgment or order entered, or which may hereafter be entered, in any condemnation proceedings heretofore or hereafter instituted pursuant to the provisions of this act, the Bronx Parkway Commission or any party or person affected by said proceedings, and aggrieved by the order fixing the compensation of said commissioners of appraisal, may appeal therefrom to the appellate division of the said court. Such appeal shall be taken and heard in the manner provided by the code of civil procedure and the rules and practices of the said court in relation to appeals from orders in special proceedings, and such appeal shall be heard and determined by such appellate division upon the merits both as to matters of law and fact. But the taking of such appeal shall not operate to stay the proceedings under this act with respect to the order entered on the motion to confirm the said report or reports of said commissioners of appraisal.

SECTION 16

Estimated Outlay for Maps, Plans, and Improving Lands to be Certified Annually—Providing Funds for Payment Thereof

On or before the tenth day of September, following the approval of the board of estimate and apportionment provided for by section 19 of this act, the said Bronx Parkway Commissioners shall certify to the board of supervisors of the county of Westchester and to the board of estimate and apportionment of the city of New York, the amount necessary to pay the expenses incurred by them prior to such date, in procuring the surveys and preparing the maps and plans required by this act, and they shall at the same time submit an estimate of the expenses necessary to be incurred by them in the ensuing year, for the same purposes, and for the purpose of improving the lands acquired by them or to be acquired during the ensuing year, and shall annually thereafter submit to the same bodies an estimate of the expenses to be incurred by them, for the same purposes, for the next ensuing year, and thereupon the board of supervisors of the county of Westchester shall proceed to raise, either by tax levy assessed upon the taxable real and personal estate in said county, in the ratio hereinafter provided, or by an issue of bonds or certificates of indebtedness, in the form provided by section fifteen of this act, an amount necessary to pay one-fourth of the total amount of such expenses; and shall forthwith pay over such amount to the comptroller of the city of New York, to be by him applied to the payment of such expenses, and it shall be the duty of the

proper officials of the city of New York to annually provide for the payment of the balance of such expenses, and for the comptroller of the city of New York to pay such expenses upon proper requisition from the commission.

SECTION 17

Apportionment of Tax Levy in Westchester County

The tax to be levied by the board of supervisors of Westchester county to pay its share of the bonds authorized by this act, with the interest thereon, or to pay the cost of acquiring the lands herein described, together with the expense of acquiring such lands and the surveying and improvement thereof, shall be assessed upon the taxable real and personal estate in said county in the following ratio: eighty-five per centum thereof upon the whole county and fifteen per centum thereof upon the towns and cities of said county through which said proposed parkway runs.

SECTION 18

Expenses of Commission and Employees—Providing Funds Therefor by Tax Levy

On or before the tenth day of September, following the approval of the board of estimate and apportionment provided for by section nineteen of this act, and annually thereafter, the commissioners appointed by this act shall certify to the board of supervisors of the county of Westchester, and to the board of estimate and apportionment of the city of New York, the amount necessary to pay the salaries of the commissioners, office employees of said commission, including the secretary and counsel, and the rent and other incidental expenses of said office, for the ensuing year, and thereupon it shall become the duty of the board of supervisors of the county of Westchester to provide for one-fourth of the said expenses, and of the board of estimate and apportionment of the city of New York to provide for raising three-fourths of said expenses, by including the amount thereof in the annual budget, and to that end the said board of supervisors of the county of Westchester and the board of taxes and assessments in the city of New York are hereby authorized and empowered to annually assess the proportionate cost of maintenance of the said commission, as so certified by them, upon the taxable real and personal property within their respective jurisdictions, and the amount so raised by the said board of supervisors of the county of Westchester shall be paid over, as soon as raised, to the comptroller of the city of New York, and be placed by him to the credit of said commission, together with the funds provided by the board of estimate and apportionment of the city of New York, and the total fund shall be paid over by him to said commission upon its requisition.

SECTION 18A

Parkway Commissioners May Use and Improve Lands of City of New York and Other Municipalities; May Acquire Tributary Streams and Adjacent Lands—Expenditures; Apportionment; Issuance of Bonds for Payment Thereof

In addition to the powers hereinbefore granted to them, the said commissioners shall have power to improve, maintain and use the lands of the city of New York and other municipalities adjoining the parkway between Bronx park on the south and the new Kensico dam on the north, with the consent of the local authorities having jurisdiction thereof; also to accept by gift, covenant or devise lands adjoining the parkway reservation or adjoining public lands contiguous to such reservation, and to improve and maintain the same; also to improve and maintain lands in public streets, adjacent to or within the general lines of the parkway reservation; also to sell timber, wood, material, houses and buildings of every kind and nature standing upon or attached to lands acquired for reservation purposes. Upon petition by the common council of a city or town board of a town through which a brook or stream tributary to the Bronx river flows, such commissioners may acquire and take in fee or otherwise, by purchase, covenant, gift, devise or eminent domain, so much of such brook or stream and the lands thereunder and adjacent thereto or bordering thereon, and any rights, interests or easements therein within the city or town presenting the petition as may be deemed necessary by such commissioners to preserve the Bronx river from pollution. One-half of the

expense of such acquisition shall be borne by the city or town presenting the petition. The other one-half of such expense, together with the entire cost of maintenance and improvement, shall be borne and paid in accordance with the foregoing provisions of this act. When such a petition shall have been presented and the estimated expense of acquisition shall have been determined by the commissioners, they shall certify to the proper officers of such city or town the portion of such expense to be borne thereby. Every city or town through which any such stream or brook flows is hereby authorized to pay one-half of the expense of such acquisition as may be made within its boundaries pursuant to this section, and is hereby authorized to issue and sell its bonds for the purpose of raising funds to meet its share of any such expenditure. If a city, such bonds shall be issued and sold in accordance with the provisions of law prescribing the method by which such city shall issue and sell its bonds, and such city shall cause to be raised annually by tax in the manner required by law, a sum sufficient to pay the interest and principal of such bonds, as the same shall become due. If a town, such bonds shall be issued and sold in the manner provided for the issue and sale of town bonds to pay a judgment against the town, and such town shall cause to be raised annually by tax in the manner required by law, a sum sufficient to pay the principal and interest of such bonds as the same shall become due. City or town bonds issued pursuant to this section shall be payable at such times and in such installments as the common council or town board, as the case may be, shall determine. The proceeds from the sale of such bonds shall be paid to the Bronx Parkway Commissioners and applied to the purposes for which such bonds were issued. Any balance remaining in the hands of the commission after the payment from such proceeds of one-half of the cost of acquisition for which such bonds were issued shall be repaid by the commission to the proper municipal authorities to be applied in payment of the principal or interest of such bonds as the same shall become due. Any piece or parcel of land, and any right, interest, or easement in real estate acquired by the commission pursuant to this section shall constitute a part of the Bronx river reserve and parkway as established by this act, and be subject to all the provisions of this act in relation to the control, maintenance and improvement of such reserve and parkway.

SECTION 19

Approval of Board of Estimate and Apportionment

Before any expense or obligation is incurred under the provisions of this act, the commission appointed hereby shall obtain the approval of the board of estimate and apportionment of the city of New York, to the acquisition of the lands herein described, or some part thereof, for the purposes of this act.

SECTION 20

All acts and parts of acts inconsistent herewith or contrary hereto are hereby repealed.

SECTION 21

This act shall take effect immediately.



BRONX PARKWAY COMMISSION

CITY AND COUNTY BONDS, BUDGET, REVENUE BOND AND PROCEEDS OF SALES—RECEIPTS SHOWN BY FISCAL YEARS, AS OF JUNE 30, 1916

	July 17, 1911 to Dec. 31, 1912	January 1st Dec. 31, 1913	January 1st to June 30, 1914	July 1, 1914 to June 30, 1915	July 1, 1915 to June 30, 1916	Total
(CITY AND COUNTY BONDS:)						
CCM-14 Preparation of Maps.....	\$35,000.00	\$28,000.00	\$11,000.00	\$23,907.50	.....	\$107,907.50
CCM-14A Topographical Expenses.....	6,000.00	.....	.....	1,196,000.00	\$928,000.00	6,000.00
CCM-14B Acquisition of Lands.....	784,000.00	1,088,000.00	*48,000.00	.....	3,996,000.00
CCM-14C Improvement of Lands for B. R. Parkway.....	48,000.00
CITY AND COUNTY BONDS.....	\$41,000.00	\$812,000.00	\$1,099,000.00	\$1,277,907.50	\$928,000.00	\$4,157,907.50
PROCEEDS OF BUILDING SALES, ETC.
S-678 Improvement of Lands for B. R. Parkway	\$150,000.00	\$50,000.00
Received from New York Central R. R. Co., account River
Diversion, North White Plains.....	\$2,400.00	\$2,400.00
BUDGET ACCOUNTS:
1908-1913 Salaries and Expenses.....	\$24,000.00	\$28,000.00	.....	.....	\$24,000.00
1420-1914 Salaries and Expenses.....	28,000.00
1420-1915 Salaries and Expenses.....	*\$64,000.00	.....	64,000.00
1420-1916 Salaries and Expenses.....	*\$65,000.00	65,000.00
Returned to City of New York and County of Westchester	\$24,000.00	\$28,000.00	\$64,000.00	\$65,000.00	\$181,000.00
their proportionate share of unexpended Budget Bal-
ances (1913).....	919.93	.....	.....	.....	919.93
TOTAL BUDGET ACCOUNTS.....	\$23,080.07	\$28,000.00	\$64,000.00	\$65,000.00	\$180,080.07
REVENUE BOND FUND:
RCM-39 Salaries, Equipment, Material, Supplies.....	\$23,092.50	.....	\$23,092.50
TOTAL RECEIPTS.....	\$41,000.00	\$835,080.07	\$1,127,000.00	\$1,365,000.00	\$1,045,400.00	\$4,413,480.07

* Westchester County and portion of New York City share appropriated after June 30th in each case.

† Turned over to the Comptroller of the City of New York by the Bronx Parkway Commission.

Schedule B

Cash in Bank June 30, 1916.....	\$11,100.52
Petty and Undep. Cash on Hand.....	5,407.08
Cash per Ledger.....	\$16,507.60
Total.....	\$16,507.60

Ledger Balance Account

Cash per Ledger June 1st.....	\$5,774.45
Received during Month.....	2,374.00
Ledger Balance as at June 30th.....	\$8,148.45
Total.....	\$8,148.45
<i>Ledger Balance Account</i>	
Bank Balance June 30th.....	\$6,255.45
Cash Undeposited.....	1,893.00
Ledger Balance as of June 30, 1916.....	\$8,148.45

CONDITION BRONX PARKWAY COMMISSION, CITY AND COUNTY BONDS, BUDGET AND REVENUE BOND FUNDS

AS OF JUNE 30, 1916

Schedule C

	CITY AND COUNTY BONDS				BUDGET	REV. BOND	Total
	Prep. Maps CCM-14	Topo. Maps CCM-14A	Acq. Lands CCM-14B	Imp. Lands CCM-14C	Salaries Expenses	Sal., Mat., Exp., Sup.	
Funds appropriated to December 31, 1915.....	\$110,307.50	\$6,000.00	\$3,764,000.00	\$48,000.00	\$115,080.07	\$23,092.50	\$4,018,480.07
Funds appropriated during year, 1916.....			232,000.00		54,000.00		334,000.00
Funds appropriated to date.....	\$110,307.50	\$6,000.00	\$3,996,000.00	\$48,000.00	\$169,080.07	\$23,092.50	\$4,352,480.07
Total disbursements to date.....	110,303.95	6,000.00	3,863,565.43	26,340.52	144,224.06	23,060.48	4,173,494.44
Funds actually on hand June 30, 1916.....	3.55		132,434.57	21,659.48	24,856.01	32.02	178,985.63
Unliquidated Liabilities.....							
			18,638.99	13,475.18	893.33		33,007.50
MATURING LIABILITIES, YEAR, 1916:							
Salaries, Commissioners, Administrative and Clerical.....					\$11,649.12		\$11,649.12
Salaries, Law Department.....			\$11,287.00		4,494.21		15,781.21
Salaries, Engineering Department and Forester Rent.....				\$11,110.66	3,000.00		11,110.66
Telephone.....				72.00	629.28		3,000.00
Lands under contract.....			60,000.00				701.28
							60,000.00
TOTAL MATURING LIABILITIES, YEAR, 1916.....			\$71,287.00	\$11,182.66	\$19,772.61		\$102,242.27
TOTAL UNLIQUIDATED AND MATURING LIABILI- TIES.....			\$89,925.99	\$24,657.84	\$20,665.94		\$135,249.77
Net unencumbered balance.....							
Estimate labor payroll (present force), balance of year.....	\$3.55		\$42,508.58	\$2,998.36	\$4,190.07	\$32.02	\$43,645.86
				28,130.95			
*Estimate deficit in CCM-14c account after de- ducting estimate labor payroll for balance of year.....				*\$31,129.31			

CITY AND COUNTY BONDS AND BUDGET REQUESTS UNAPPROPRIATED

	1420-1916	Total
City of New York, 1916 Request.....	CCM-14c	\$198,000.00
County of Westchester, 1916 Request.....	\$198,000.00	84,000.00
	73,000.00	
Total amount unappropriated as of June 30, 1916.....		\$282,000.00
Amount transmitted to Comptroller, representing receipts from sale of buildings, etc., awaiting the establishing of appropriation account against which Commission may issue requisitions.....	\$11,000.00	\$50,000.00
*Estimate deficit in CCM-14c account is transferable to this account as soon as code account is determined by Comptroller's Office.....	\$271,000.00	31,129.31
Funds available after all known maturing liabilities have been deducted.....		\$18,870.69

f. Appropriated since June 30, 1916.
 g. This amount includes \$2,400.00 received from the New York Central Railroad Company for river diversion at North White Plains.

BRONX PARKWAY COMMISSION

STATEMENT OF DISBURSEMENTS BY FISCAL YEARS, AS OF JUNE 30, 1916

Schedule D

	July 17, 1911 to Dec. 31, 1912	January 1 to Dec. 31, 1913	January 1 to Dec. 31, 1914	January 1 to Dec. 31, 1915	January 1 to June 30, 1916	Total
ADMINISTRATION:						
Salaries, Commissioners	\$10,927.23	\$7,499.88	\$7,499.88	\$7,500.00	\$3,749.94	\$37,176.93
Salaries, Administration and Clerical	5,006.03	8,562.79	12,710.78	16,347.35	7,405.24	50,032.19
Salaries, Administration and Special	126.00	174.50	174.50	846.08	7,251.50	2,148.14
Postage	155.00	119.95	251.73	289.14	137.98	1,853.80
Telephone and Telegraph	134.52	229.12	360.40	360.40	214.93	1,350.49
Traveling Expenses	174.85	174.85	174.85	174.85	174.85	874.85
Supplies	253.93	320.93	549.65	778.11	366.48	2,279.12
Office Supplies	94.18	271.13	312.57	288.89	119.40	1,086.17
Stationery and Printing	94.60	199.12	591.94	571.83	204.93	1,662.42
Rent	200.00	1,200.00	2,216.64	2,499.96	853.32	6,949.92
TOTAL	\$16,928.86	\$18,684.32	\$25,306.65	\$29,679.49	\$13,376.73	\$103,976.05
LAW DEPARTMENT:						
Salaries, Regular	.....	887.50	\$1,340.00	\$6,461.01	\$12,319.24	\$20,267.75
Salaries, Special	.....	273.69	2,447.73	2,567.14	6,248.76	6,248.76
Postage	.....	.....	.....	26.97	26.92	53.89
Telephone and Telegraph	.....	.....	3.65	49.94	66.52	120.11
Traveling Expenses	.....	.....	9.15	17.12	335.73	362.00
Sundry Expenses	.....	.....	13.10	137.24	278.81	429.15
Office Supplies	.....	.....	7.46	137.24	214.60	409.58
Stationery and Printing	.....	41.20	229.37	229.37	2,540.00	2,409.08
Rent	.....	.....	300.00	907.50	1,008.44	1,747.50
Stenographic Minutes, Condemnation Proceedings	.....	.....	.....	.....	.....	1,008.44
TOTAL	.....	\$402.39	\$4,261.47	\$10,712.49	\$17,468.83	\$32,845.18
ENGINEERING DEPARTMENT:						
Salaries, Regular	\$2,188.68	\$7,049.40	\$8,788.15	\$20,886.60	\$12,046.45	\$50,959.28
Salaries, Special	23.25	110.00	690.34	1,748.63	7,719.34	3,291.56
Wages	.....	.....	1.75	47.75	47.75	47.75
Postage	.....	7.07	10.15	11.70	13.22	42.75
Telephone and Telegraph	.....	5.00	74.85	139.59	75.68	295.12
Traveling Expenses	.....	131.82	220.35	538.12	214.87	1,105.16
Sundry Expenses	40	71.10	194.60	189.16	186.12	641.38
Maps and Lithographs	1,500.27	161.78	524.85	1,763.98	226.93	4,177.81
Supplies	7.96	124.00	141.63	207.02	193.83	666.45
Stationery and Printing	35.75	1.50	51.50	10.35	47.75	146.85
TOTAL	\$3,756.31	\$7,662.27	\$10,698.48	\$25,495.15	\$13,742.38	\$61,354.59
MAINTENANCE AND CONSTRUCTION:						
Salaries, Regular	.....	\$1,330.00	\$1,578.06	\$2,127.38	\$900.00	\$5,935.44
Salaries, Special	.....	339.23	406.00	1,478.84	1,322.49	3,546.56
Wages, Regular	.....	7,526.75	14,659.71	26,636.41	14,499.85	63,322.72
Wages, Special	.....	120.75	479.72	229.67	316.34	1,146.48
Postage	.....	8.59	8.54	14.53	86	128.52
Telephone and Telegraph	.....	3.89	38.63	39.43	29.52	111.51
Traveling Expenses	.....	14.55	109.27	169.53	75.45	368.80
Sundry Expenses	.....	33.26	31.78	61.69	20.97	147.70
Supplies	.....	93	19.81	38	1.25	22.37
Stationery and Printing	.....	14.65	.....	7.00	.....	21.65
Budget Division	.....	.....	.....	1,092.06	1,384.14	2,476.20
Monuments	.....	76.40	141.32	.....	375.68	375.68
TOTAL	.....	\$9,464.76	\$17,473.89	\$31,861.26	\$18,826.64	\$77,626.55

BRONX PARKWAY COMMISSION

STATEMENT OF DISBURSEMENTS AS OF JUNE 30, 1916

Schedule D—Cont.

	July 17, 1911 to Dec. 31, 1912	January 1 to Dec. 31, 1913	January 1 to Dec. 31, 1914	January 1 to Dec. 31, 1915	January 1 to June 30, 1916	Total
ACQUISITION OF LANDS:						
Lands.....	.....	\$721,293.76	\$768,334.80	\$1,170,970.75	\$104,179.25	\$2,764,778.56
Buildings.....	.....	18,300.00	253,591.00	456,870.35	92,733.00	821,494.35
Interest.....	.....	8,620.16	17,271.06	62,874.76	3,825.80	92,591.78
Taxes.....	.....	351.90	2,953.85	8,260.31	1,168.00	12,734.06
Assessments.....	.....	5,409.30	15,139.57	62,326.19	3,773.48	*81,239.24
Appraisals.....	\$250.00	.....	4,033.27	3,466.52	1,361.50	14,520.59
Title Search and Insurance.....	1,360.75	86.96	6,929.09	6,894.13	5,822.83	21,093.76
Water Rent.....	.....	.....	71.35	544.26	107.85	723.46
Special Allowance.....	.....	3,137.36	30,000.00	2,016.00	8,704.00	43,857.36
TOTAL.....	\$1,610.75	\$757,199.44	\$1,098,323.99	\$1,774,223.27	\$221,675.71	\$3,853,033.16
PERSONAL PROPERTY:						
Furniture and Fixtures.....	\$843.03	\$847.21	\$1,249.46	\$928.86	\$357.95	\$4,226.51
Engineering Instruments and Accessories.....	396.37	177.67	271.37	180.11	1,052.32	1,732.23
Equipment.....	.....	860.01	1,763.76	882.74	1,742.27	5,248.78
TOTAL.....	\$1,239.40	\$1,884.89	\$3,284.59	\$1,991.71	\$2,127.02	\$10,527.61
STORES:						
Supplies.....	.....	\$448.25	\$766.58	\$1,488.75	\$577.79	\$3,281.37
Material.....	.....	5.10	59.38	394.46	71.94	530.88
Tools.....	.....	216.08	241.30	372.71	202.08	1,032.17
Nursery.....	.....	204.52	390.93	1,409.39	1,580.70	3,585.54
TOTAL.....	.....	\$873.95	\$1,458.19	\$3,665.31	\$2,432.51	\$8,425.96
MISCELLANEOUS:						
Commission Reports.....	\$414.40	.....	\$1,707.20	cf	.....	\$2,065.60
Preliminary Surveys.....	12,440.74	\$519.81	3,370.00	134.70	.....	17,085.25
Photograph Account.....	142.25	529.06	619.13	427.60	\$395.40	2,113.45
Advertising.....	.....	1,176.19	1,176.19	1,810.10	494.82	3,517.89
Automobile Hire.....	83.00	.....	31.00	43.25	.....	157.25
Signs and Tablets.....	.....	4.00	231.16	920.80	204.95	1,360.91
TOTAL.....	\$13,080.39	\$1,059.65	\$7,134.68	\$3,331.45	\$1,095.17	\$25,701.34
GRAND TOTAL.....	\$36,615.71	\$797,231.67	\$1,167,941.94	\$1,880,960.13	\$290,744.99	\$4,173,494.44

* Includes \$16.85 Taxes in Lands Donated.

ACQUISITION OF LANDS AS OF JUNE 30, 1916

Schedule E

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assess-ments	*Special	Total Cost	Owner Asked
Total as per Commission's Report June 30, 1914...				10,045,016	\$1,392,188.56	\$263,368.00	\$23,145.62			\$34,875.05	\$1,713,577.23	
Revision and Adjustments since June 30, 1914....					11,548.07	8,523.00	90.20	\$3,022.19	\$15,594.75	1,376.85	14,305.22	
Revised Total as of June 30, 1914.....				10,045,016	\$1,380,640.49	\$271,891.00	\$23,235.82	\$3,022.19	\$15,594.75	\$33,498.20	\$1,727,882.45	
176	7	1	John H. O'Brien, et al.	930,485	105,613.00		2,708.32	803.16			109,124.48	\$395,456.13
177	8	15	James Reid and wife.	2,500	1,000.00	2,200.0	66.80	23.73			3,290.53	5,200.00
178	13	75	Brian G. Kenn.	13,177	3,684.00		145.95	56.46			3,843.46	7,500.00
179	14	20, 46 & 48	Brian G. Kenn.	3,628	675.00		30.29	7.48			712.77	1,200.00
180	1	17	Sarah C. Ormsby	3,007	1,985.33		109.42	14.55	52.67		2,161.97	5,000.00
181	1	25	Geisler-Haas Realty Co.	207,738	36,999.82		1,956.25	309.75	423.18		39,689.00	51,937.00
182	1	36	Ernest Quisser.	7,190	1,587.84		89.40	22.26	110.16		1,809.66	5,000.00
183	1	37	Stein.	7,008	1,548.92		88.21	22.26	110.46		1,769.85	1,800.00
184	1	43	Emma H. DeVeau.	5,020	2,500.41		174.54	37.10	1,411.72		4,153.77	3,000.00
185	1	56	Cosmopolitan Bank.	14,450	5,738.00		367.07	41.15	2,365.89		8,512.11	C.V.
186	1	60	Rachel Markens.	3,336	1,100.00	4,200.00	285.95	70.49	67.25		5,723.69	6,500.00
187	1	72	Hy. F. Vought, et al.	23,261	18,500.00	12,500.00	1,929.15	190.27	2,547.23	4,000.00	39,666.65	53,569.93
188	2	6	Tier Estate.	48,700	54,700.00	2,000.00	3,012.82	358.42	3,562.98	53.00	63,687.22	80,000.00
189	2	7	J. Marcus Woodworking Co.	92,217	26,961.25	6,000.00	2,366.31	150.53	6,554.00	5,720.00	47,552.09	75,000.00
190	2	10	J. J. Keenan.	1,262	1,500.00		134.5	14.35	32.63		2,621.70	3,000.00
191	2	19	W. S. Gil.	1,262	1,500.00		134.5	14.35	32.63		2,621.70	3,000.00
192	2	26	James K. Walker.	190,702	34,384.84		2,312.13	9.27	9,510.54		46,207.51	47,671.25
193	2	40	Adam Eisenstein.	1,928	658.30	2,192.00	172.66	19.55	371.70		3,414.21	5,000.00
194	3	6	Sound View Ld. & Imp. Co.	14,781	4,600.00		343.07	18.58	1,963.00		6,924.65	7,400.00
195	3	23	Fred. W. Trumpler, et al.	7,981	2,237.18		168.33	40.36	865.82		3,311.69	8,000.00
196	3	32, 33 & 35	Elizabeth Beck.	17,829	4,573.00		333.43	76.02	1,649.00		6,631.45	12,000.00
197	3	34	Eliz. Crammond, et al.	8,782	2,245.74		166.29	38.95	801.26		3,252.24	C.V.
198	3	44	Joseph A. Flannery.	8,476	3,083.00		240.45	27.64	1,404.00		4,755.09	C.V.
199	4	14	Dr. Wm. P. St. Lawrence.	6,163	3,540.50	2,302.00	321.53	64.92	8.05 W. R.		10,561.78	6,500.00
200	4	16	B. F. Badaracco.	15,275	6,284.00	3,700.00	520.26	57.52			22,000.00	22,000.00
201	5	14	Louise S. Marks.	5,034	1,007.00		55.95				1,062.95	1,200.00

* Includes cost for machinery, equipment, water rent and sundry items.

ACQUISITION OF LANDS—Continued

AS OF JUNE 30, 1916

Schedule E—Con.

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assessments	Special	Total Cost	Owner Asked
202	5	37	Mary A. Kiernan, ...	7,969	\$956.00		\$53.43	\$11.38			\$1,020.81	\$1,200.00
203	5	55	Francis and Mary E. Condon	3,713	1,888.00		104.28	38.01			2,030.29	C.V.
204	5	59, 60, 69, 83 & 93	Nearby Realty Corp.	52,313	11,425.53		610.60	155.80			12,192.03	14,000.00
205	5	92	Henry and Anna Bruning	5,497	2,796.00		154.43	25.33	\$7.47		2,983.23	5,000.00
206	5	70	Oscar J. and Rosalind de L. Mayer	96,268	24,534.00		1,330.57			Lease		
207	6	5	Oscar J. Mayer	60,200	15,295.00		797.01	178.34		\$1,000.00	26,864.57	38,517.00
208	7	37	John Wiemann	3,492	1,200.00	\$2,775.00	214.98	48.14			16,279.35	25,080.00
209	7	38	Maria Melillo	3,492	1,200.00	2,775.00	214.98	50.68		13.60 W.R.	4,254.26	5,500.00
210	7	43	George Fischer	1,268	1,700.00	2,500.00	267.72				4,254.26	9,655.00
211	7	47	Frederick Roper	1,268	1,700.00	2,500.00	267.72	30.40	53.96		5,321.08	9,000.00
212	8	9	Giorgio Nigarelli, et al.	30,872	4,047.90	3,744.00	416.71	88.48			3,298.06	3,900.00
213	8	11	Margaret Witt	14,176	1,556.00		84.66				8,297.09	20,000.00
214	8	8-12	Isabella B. Balliger	29,945	3,973.00	5,527.00	504.41	121.60		7.86 W.R.	10,133.87	3,000.00
215	9	16	Isabella B. Chalmers	5,554	1,400.00	2,950.00	235.26	36.24			4,621.50	13,000.00
216	9	51, 53 & 56	Jerome N. Dube	12,910	3,000.00		163.23	26.72			3,189.95	5,000.00
217	10	21	James Lyons	2,500	750.00		41.92	7.60			799.52	C.V.
218	10	35	John A. Lender	3,434	549.00		30.95	7.13			587.08	900.00
219	10	46	Henry Cook	1,982	595.00		33.55				628.55	950.00
220	10	62	Julius Balusz	5,375	1,500.00	4,700.00	329.20			2.00 W.R.	6,531.20	7,000.00
221	10	68	George Ed. Lockard	2,500	575.00		32.42	3.06			610.48	1,000.00
222	10	69	Gladyes Barrett	2,500	575.00		32.42				607.42	C.V.
223	10	82	Michael Collins	1,338	268.00	45.00	17.70				417.30	C.V.
224	10	86	Albert J. Flugal	1,977	395.00		22.34				159.75	978.50
225	11	18	Julia Donovan	5,000	1,500.00		11.62	10.13			39,152.81	1,750.00
226	12	49	Chas. Dusenberry, Jr.	229,101	32,934.00	4,000.00	1,922.92	302.12		1.00 W.R.	47,038.00	
227	13	1	Chas. Dusenberry, Jr.	9,505	8,263.00		222.95	32.31			4,509.57	C.V.
228	13	2 & 3	Chas. Dusenberry, Jr.	52,493	8,263.00		435.58	61.72			8,856.32	C.V.
229	13	4	Allan Hay Seaman	9,703	1,720.00		95.57	12.60			1,828.17	C.V.
230	13	11	Crestwood Pk. Realty Co.	3,125	1,781.25		40.97	17.81			840.03	C.V.
231	13	103	Crestwood Pk. Realty Co.	8,912	1,604.16		84.11	15.28			1,703.55	C.V.
232	13	12	Metropolitan Realty Co.	5,439	1,503.00	1,675.00	175.53	25.20			3,378.73	4,000.00
233	13	14	Frank J. Schmitt	4,525	1,131.00	2,669.00	209.89				4,009.89	5,000.00
234	13	24 & 28	Crestwood Pk. Realty Co.	67,878	17,595.00		922.65	239.32			18,756.97	20,363.40
235	13	58	John McAnish	14,635	4,365.00		231.76	44.53			4,641.29	6,250.00
236	13	60	Wm. H. Bailey	6,102	840.00		46.81	17.72			904.53	C.V.
237	13	68	Peter Graebner	4,662	1,250.00		69.45	8.31			1,327.76	1,800.00
238	14	50	Antonio Di Giovanni	5,500	850.00		47.37	7.59			904.96	1,200.00

ACQUISITION OF LANDS—Continued

AS OF JUNE 30, 1916

Schedule E—Con.

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assess-ments	Special	Total Cost	Owner Asked
239	14	66	William Voss.....	5,000	\$800.00	.....	\$44.58	\$4.64	.....	.....	\$849.22	\$1,000.00
240	15	17	Annie W. D. Ayr.....	5,000	250.00	.....	13.64	7.12	.....	.....	270.76	500.00
241	15	38	Harold C. Mitchell.....	17,790	461.21	.....	34.49	.....	.....	.....	495.28	C.V.
242	24	1	David Mayer Brewing Co.....	4,685	15,171.00	.....	790.55	187.31	.....	.....	16,148.86	20,000.00
243	24	20	Margaret McMurray.....	10,180	2,322.00	.....	507.37	107.63	.....	.....	10,112.00	20,000.00
244	24	41	Margaret E. O'Brien.....	2,707	1,200.00	\$7,175.00	173.06	60.66	.....	.....	3,438.26	6,000.00
245	24	61	Thomas Dunn.....	3,043	330.00	2,000.00	121.34	24.25	.....	\$4.54W.R.	2,377.26	7,000.00
246	24	62	Geo. and Ellen Cook.....	11,739	1,243.00	5,000.00	333.53	49.71	.....	1.67W.R.	6,629.54	7,000.00
247	24	65	Natale Minasi.....	17,060	1,882.00	4,000.00	314.21	82.52	.....	3.30W.R.	6,280.26	8,000.00
248	24	72	Mary Elizabeth Dunn.....	5,537	618.00	600.00	66.47	.....	.....	1.50	1,284.47	7,000.00
249	25	2	Jos. and Verenga Palermo.....	26,281	1,942.00	4,950.00	365.94	59.28	.....	.....	7,317.22	20,000.00
250	25	4	Alberto Martello.....	19,363	1,322.00	2,878.00	220.93	76.44	.....	.....	4,300.53	10,000.00
251	25	8	Michael Cella.....	13,568	1,168.00	.....	96.87	28.40	.....	.....	19,224.37	22,806.80
252	25	19	Michael Cella.....	89,335	13,568.00	4,500.00	94.78	28.40	.....	.....	19,224.37	18,750.00
253	25	33	Annie R. Richards.....	51,531	11,654.00	20,836.00	1,704.25	493.71	.....	1.57W.R.	34,921.24	60,000.00
254	25	45	Paine & Harrison.....	10,310	2,453.00	1,200.00	174.25	50.10	.....	3.06W.R.	3,921.24	5,750.00
255	25	46	James Martello.....	30,711	5,219.00	3,281.00	454.11	76.61	.....	5.32W.R.	4,010.94	15,000.00
256	25	55, etc.	R. Young & Bros. Co.....	97,095	30,000.00	10,000.00	2,090.96	185.70	.....	8.27W.R.	42,284.00	42,500.00
257	25	61, etc.	Filomena Maccariello.....	36,706	1,119.00	881.00	108.82	33.30	.....	7.34W.R.	2,198.61	4,200.00
258	29	17	John Nelligan.....	6,251	1,800.00	1,200.00	165.70	10.39	.....	.....	3,176.09	5,200.00
259	1	10	John Hy. Giebelhaus.....	6,251	2,399.80	.....	91.43	44.52	.....	.....	2,670.45	3,500.00
260	1	18	Fannie Epstein.....	9,186	7,254.49	.....	258.90	46.90	.....	.....	7,879.51	16,500.00
261	1	57 & 59	Joseph C. Dixon.....	15,088	2,777.85	.....	107.33	22.31	.....	.....	3,061.64	5,000.00
262	1	58	Robert Zeische.....	7,457	1,789.24	8,500.00	355.48	67.96	.....	.....	10,850.34	12,500.00
263	1	86	Bronx Development Co.....	40,442	2,610.00	12,750.00	528.16	101.94	.....	29.90W.R.	16,196.95	18,000.00
264	1	87	Emile Baumgarten.....	4,329	3,056.31	20,000.00	1,488.11	172.57	.....	.....	47,497.68	80,000.00
265	1	88	Emile Lazzari.....	5,625	2,124.85	17,500.00	1,784.85	282.31	.....	7.10W.R.	57,483.00	60,000.00
266	1	97	Paul A. Lazzari.....	5,625	2,124.85	2,500.00	201.26	20.35	.....	.....	8,733.53	10,000.00
267	2	35	George McCusker.....	15,107	5,392.57	.....	80.96	28.74	.....	.....	2,998.70	C.V.
268	2	37	Arthur J. Mace.....	11,407	1,859.93	.....	80.96	28.74	.....	.....	2,998.70	C.V.
269	2	41 & 42	Patrick Ward, et al.....	41,426	6,302.47	.....	326.05	45.13	.....	.....	9,907.18	20,000.00
270	2	41 & 42	Catherine Hicks.....	3,889	1,303.00	.....	76.15	25.02	.....	.....	938.56	C.V.
271	3	8	Sound View Land & I. Co.....	1,925	605.50	.....	133.18	51.94	.....	.....	3,795.00	5,000.00
272	3	19	Mary Lahson, et al.....	8,901	2,554.00	.....	125.97	44.82	.....	.....	3,591.35	C.V.
273	3	36	John Lynn, et al.....	10,034	2,538.01	.....	54.85	17.82	.....	.....	1,555.67	2,500.00
274	3	38	Stanislaus and Mary Slenski.....	4,354	1,093.25	.....	19.43	.....	.....	.....	522.43	1,500.00
275	3	3	Mrs. Lorea L. Walker.....	2,517	503.00	.....	40.14	.....	.....	.....	1,097.14	4,500.00
276	5	10 & 54	Eugene E. Cahill.....	7,544	1,057.00	.....	.....	.....	.....	.....	.....	.....

ACQUISITION OF LANDS—Continued
AS OF JUNE 30, 1916

Schedule E—Con.

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assessments	Special	Total Cost	Owner Asked
277	5	39	Hester C. Kiely.....	10,191	\$1,682.00	.....	\$83.59	.....	\$46.29	.....	\$1,745.59	C.V.
278	7	35	Peter Scartiz.....	3,750	1,350.00	.....	50.82	.....	.....	.....	1,447.11	C.V.
279	7	21	Charles Moran.....	2,500	900.00	.....	34.17	.....	.....	.....	984.86	C.V.
280	7	24	Mrs. Emma Norden.....	2,500	1,200.00	\$3,150.00	154.45	.....	67.03	\$24.20WR	4,595.68	\$7,000.00
281	7	25	Sidney Baum.....	5,000	1,900.00	.....	71.21	.....	45.16	.....	2,016.37	C.V.
282	7	30 & 33	John Moore.....	3,492	1,200.00	6,200.00	45.17	\$25.32	7.38	.....	1,277.87	C.V.
283	7	32, 40 & 44	Arn Weinberger.....	10,715	6,200.00	.....	436.21	.....	160.40	3.82W.R.	13,000.43	29,750.00
284	7	39	Mrs. Incononata De Pasquale.....	7,088	3,400.00	9,600.00	450.90	.....	108.41	.....	13,585.80	20,000.00
285	7	60	Bridget Lynch.....	6,697	834.00	.....	31.80	.....	.....	.....	33,558.80	30,000.00
286	9	1, 3, 7 & 15	Graman Bldg. Co.....	185,707	27,485.00	.....	953.31	.....	.....	.....	28,438.31	C.V.
287	9	5	Michèle De Filippo.....	2,316	648.00	.....	24.70	.....	.....	.....	672.70	1,300.00
288	9	12	George C. Woolsey.....	2,590	1,600.00	.....	23.48	.....	.....	.....	623.18	750.00
289	9	14	Emily R. Wiles.....	5,000	1,400.00	3,350.00	158.45	.....	.....	.....	498.66	5,000.00
290	9	11	Michael Ryan.....	2,628	1,400.00	.....	35.43	.....	.....	.....	988.43	2,725.00
291	9	16	Kate F. O'Hagan.....	7,263	2,100.00	4,100.00	52.70	.....	.....	.....	1,452.70	2,500.00
292	9	17	Adelle Herow.....	7,657	1,000.00	.....	219.12	.....	.....	.....	6,419.12	8,000.00
293	9	18	Arthur J. Ryan.....	5,011	1,633.00	3,900.00	194.61	.....	.....	.....	5,727.64	7,000.00
294	9	20	William W. T. Catton.....	2,500	600.00	3,750.00	154.45	.....	.....	.....	4,504.45	5,100.00
295	9	51	Frank J. Walker.....	7,975	1,533.00	.....	57.71	.....	.....	.....	1,754.00	2,500.00
296	10	10	James Breen.....	4,150	1,300.00	.....	48.94	2.45	.....	.....	1,348.94	2,500.00
297	10	47	Mary Boyle.....	3,117	465.00	.....	18.04	.....	.....	.....	485.49	3,097.00
298	10	40	Spisto & Stutser.....	4,986	1,650.00	.....	62.11	6.12	.....	.....	1,718.23	2,000.00
299	10	49	Ella M. Stanford.....	5,000	1,100.00	.....	41.59	4.89	.....	.....	1,146.48	C.V.
300	10	73	Jacob Steuhl.....	5,333	1,500.00	.....	56.47	8.56	.....	.....	3,565.03	C.V.
301	10	77, 78 & 79	Matilda Jahr.....	6,577	1,233.00	2,271.00	124.42	11.99	.....	.....	1,222.84	C.V.
302	10	96	H. L. Stretch.....	7,039	1,733.00	.....	44.35	5.51	.....	.....	6,118.14	7,500.00
303	11	15	Francis Wise.....	5,000	1,500.00	4,400.00	207.56	.....	1,029.95	10.58	12,830.98	C.V.
304	11	48	Emma Rowe.....	6,020	4,740.00	6,660.00	401.93	.....	.....	.....	11,194.42	15,000.00
305	11	12	Mary E. Massey, et al.....	14,353	7,814.00	3,000.00	58.92	.....	.....	.....	259.70	C.V.
306	12	12	Thomas Flynn.....	5,352	1,250.00	.....	9.70	.....	.....	.....	1,297.06	2,000.00
307	13	41	Nicholina Martoglio.....	5,500	850.00	.....	47.06	.....	.....	.....	882.28	1,500.00
308	13	72	Robert Aterhouse.....	5,862	800.00	.....	32.28	.....	.....	.....	830.51	C.V.
309	13	95	William R. Summit.....	5,416	795.00	.....	30.19	.....	.....	.....	825.19	C.V.
310	13	10	Lacy R. Ring.....	5,500	850.00	.....	32.42	.....	.....	.....	882.42	890.00
311	14	52	Louis Siano.....	2,500	410.00	.....	15.91	.....	.....	.....	425.91	1,000.00
312	14	65	Louis and Julius Gatzverde.....	5,719	286.00	.....	92.32	.....	.....	.....	2,692.32	6,000.00
313	15	11	Thos. Holden and J. L. Moran.....	7,193	2,250.00	2,314.00	84.33	14.97	.....	.....	2,349.30	C.V.
314	24	24										

† Warrant issued, but title not closed.

ACQUISITION OF LANDS—Continued

AS OF JUNE 30, 1916

Schedule E—Con.

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assess-ments	Special	Total Cost	Owner Asked
315	24	44	Natale Bambace.....	9,199	\$5,600.00	..	\$196.98	\$38.45	\$59.25	..	\$5,894.68	C.V.
316	25	34	Michael Leone.....	2,500	750.00	\$1,620.00	84.15	35.99	33.97	..	2,524.11	C.V.
317	28	44	Geo. H. Reynolds.....	5,000	500.00	..	19.40	..	..	..	519.40	6,000.00
318	1	77	Peter Prevosto.....	4,824	2,026.08	3,524.60	128.74	37.83	78.32	..	5,795.57	9,000.00
319	1	78	Frances C. Lungen.....	4,490	1,886.68	3,999.00	135.47	34.92	73.32	..	6,139.39	12,000.00
320	1	81	Patrick Redmond.....	12,182	5,250.81	4,451.00	223.92	61.11	98.19	..	10,085.03	C.V.
321	2	43	Jacobina F. Schuh.....	8,083	2,621.18	..	97.51	21.25	1,615.82	..	4,358.76	C.V.
322	3	42	Hilma F. Lindstedt.....	10,933	1,782.92	..	45.16	12.61	125.08	..	1,965.77	C.V.
323	3	56	Helen R. Rohr.....	9,485	2,198.61	..	70.31	20.36	856.39	..	3,145.67	5,000.00
324	4	8	Catherine Burbeau.....	5,098	1,020.00	1,280.00	54.44	10.67	..	..	2,365.11	5,000.00
325	5	12 & 31	Elizabeth Lenehan.....	1,775	1,775.00	..	42.02	..	..	..	1,817.02	C.V.
326	7	17	Michael R. Roeder.....	1,779	1,779.00	..	66.24	..	..	..	2,856.04	3,000.00
327	7	42	Elizabeth Roeder.....	3,569	1,700.00	2,150.00	17.71	..	53.37	..	1,755.71	1,000.00
328	9	52	Reuben Staiford.....	3,370	738.00	..	17.71	..	..	..	755.71	1,000.00
329	10	23	Fred'k Wm. Glein.....	3,448	1,000.00	..	23.84	4.36	..	..	1,028.20	C.V.
330	10	66	Louis D. Rowland.....	2,500	650.00	..	15.60	..	665.60	..	588.80	750.00
331	10	67	Edward G. Rowland.....	2,500	575.00	..	13.80	..	..	..	588.80	C.V.
332	10	74	John Chambers.....	2,792	750.00	..	17.88	4.36	..	..	772.24	C.V.
333	11	7	Lawrence Park Realty Co.....	483,211	40,000.00	..	913.97	256.70	..	..	41,170.67	43,412.50
334	12	13	Watson Realty Co.....	10,352	2,100.00	700.00	64.44	..	..	..	2,864.44	C.V.
335	12	41	Mohegan Heights Realty Co.....	56,004	8,917.00	..	203.75	..	..	..	9,120.75	C.V.
336	13	43 & 45	M. Hartley Dodge, et al.....	17,928	5,086.00	..	117.05	..	..	..	5,203.05	5,854.00
337	14	45	Eida O. Pierson.....	6,000	1,200.00	..	28.60	..	..	..	1,228.60	1,500.00
338	14	45	Cristianzano Inariello.....	9,641	2,000.00	..	47.34	..	..	..	2,047.34	2,700.00
339	24	24	Joseph B. Rusan.....	9,024	1,500.00	..	53.12	..	..	..	1,553.12	2,000.00
340	24	12	Joseph B. Rusan.....	4,042	1,598.00	2,402.00	92.38	..	..	..	4,072.38	5,000.00
341	25	11, etc.	Guisepe Di Salvo.....	10,148	781.00	6,019.00	155.39	14.60	\$3.22	..	6,972.46	12,000.00
342	25	23	John Mauzer.....	4,444	3,000.00	6,500.00	217.07	25.42	2.50	..	9,757.36	11,500.00
343	27	4 & 14	Myra F. Dewsnap.....	48,308	1,475.00	1,800.00	75.37	10.29	..	..	3,360.66	5,100.00
344	28	17 & 18	Ella F. A. Gaffey.....	30,137	889.00	1,111.00	47.34	..	..	..	2,047.34	2,100.00
345	28	16	Nary A. Griffith.....	5,000	220.00	..	5.28	1.24	..	..	226.52	C.V.
346	28	21	John A. Klapp.....	5,000	200.00	..	4.80	1.24	..	..	206.04	C.V.
347	28	28	Henry P. Griffin.....	83,766	1,300.00	..	30.99	..	..	..	1,330.99	2,000.00
348	29	5	Mary J. Hahn.....	19,293	1,500.00	2,500.00	92.05	30.36	..	..	4,122.41	7,000.00
349	29	53	Anna M. Eickhoff.....	39,902	997.00	..	23.76	..	..	..	1,020.76	C.V.
350	34	73	Della Ward.....	3,000	480.00	..	6.00	4.40	..	..	490.40	C.V.
351	1	8	Antonio Brandt.....	10,002	4,000.00	..	99.29	..	..	..	4,099.29	9,000.00

ACQUISITION OF LANDS—Continued
As of June 30, 1916

Schedule E—Con.

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assess-ments	Special	Total Cost	Owner Asked
352	1	28	N. Y. Trust Co., et al.....	18,487	\$2,957.92		\$74.76		\$34.08		\$3,066.76	C.V.
353	2	13 & 17		701,752	157,000.00		4,026.08				161,026.08	
354	3	1 & 2										
355	4	24	Geo. Bonavia.....	1,894	750.08		32.23		490.92		1,273.23	\$1,350.00
356	5	3	Blanche de Failley, et al.....	13,614	2,218.99		105.29		2,023.01		4,347.29	6,534.00
357	3	10	Wm. Nussbaum, Executors.....	3,259	791.15	\$2,558.00	85.64		100.85		3,535.64	C.V.
358	3	43	Mary A. Mannion.....	47,532	8,553.18		226.56		696.82		9,476.56	10,000.00
359	4	26	Heinz & Siegel.....	5,403.00	5,597.00		282.08				11,282.08	15,000.00
360	5	4	Julia Starr.....	2,479	981.00		25.64	\$25.59			1,032.23	C.V.
361	6	44	John Lemmstein.....	2,573	1,035.00		10.98				2,415.98	C.V.
362	7	20	Colia Schanier.....	7,500	2,793.50		70.64	33.76			2,898.70	C.V.
363	7	23	Margaretha Klein.....	2,500	2,700.00		67.56	56.26			2,823.82	1,000.00
364	8	28, etc.	Graham Building Co.....	14,022	1,242.00		23.52	25.33			1,498.85	1,300.00
365	9	2	Theresa Annunziato.....	2,703	933.00		24.39	8.44			965.83	C.V.
366	9	23	Andrew Egerstrom.....	7,784	1,448.00		37.61	9.84			1,495.45	1,800.00
367	10	4	Hyman Hordess.....	7,341	3,000.00		74.47	26.94			3,101.41	6,000.00
368	10	7	Izrel Hordess.....	3,113	1,050.00		27.27	12.66			1,089.93	C.V.
369	10	13	Annie Murray.....	1,950	600.00		15.78	5.98			621.76	800.00
370	10	25	Michael Mullery.....	5,000	1,550.00		40.00	19.10			1,609.10	2,000.00
371	10	37	Michael Mullery.....	5,603	896.00		23.42	11.67			931.09	1,500.00
372	10	43	Louise Jorel.....	3,545	800.00		21.04	7.43			828.47	C.V.
373	10	44	Prudence M. Carmick.....	11,806	700.00		18.41	7.43			725.84	1,000.00
374	10	78	Johanna Michaels.....	5,200	2,500.00		71.21	16.78			2,957.99	4,200.00
375	10	72	Joseph Winter.....	9,271	2,981.00	100.00	58.87	19.10			1,557.81	2,000.00
376	10	83, 84, 85	Geo. and Mildred Humerle.....	2,030	2,030.00	1,796.00	67.46	26.26			2,366.13	7,000.00
377	10	89, 101, 107	Thomas Sadbeck.....	38,353	2,769.00		13.73				2,767.46	7,462.00
378	10	97	Thomas Gleason.....	3,693	522.00			4.72			2,888.19	3,388.00
379	10	11, 12, 13, 14, 16, 19, 24 & 10-9	Ward Leonard Estate.....	163,845	30,616.00		785.12	156.82			31,557.94	1,200.00
380	11	20	Maggie Brettel.....	2,500	800.00	3,500.00	106.03					C.V.
381	11	49	Louis Formato.....	6,044	6,644.00		151.99	21.10			4,427.13	9,000.00
382	11	53, 54 & 55	Marie Munsch.....	27,500	12,200.00	13,748.00	564.16	151.99	1,608.00		22,716.15	50,000.00
383	12	30	Luther D. Garrett.....	4,117	2,000.00	13,000.00	627.15	213.29	405.00		26,445.44	28,925.00
384	12	50	First M. E. Church.....	11,587	4,750.00	7,250.00	35.53	9.06			1,485.59	10,000.00
385	13	6, 7	May J. Burleigh.....	4,982	1,245.00	5,905.00	293.92	85.08			12,379.00	20,000.00
386	13	9, 10	Fredk. Dreisacker.....	9,985	2,554.75	8,600.25	176.30	44.49			7,370.79	13,500.00
387	13	22	Hilda A. Nylander.....	5,917	1,479.00		273.22	83.35		\$3.75 W.R.	11,515.32	21,000.00
388	13						38.41	9.85			1,527.26	1,775.00

†Warrant issued, but title not closed.

ACQUISITION OF LANDS—Continued
AS OF JUNE 30, 1916

Schedule E—Con.

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assess-ments	Special	Total Cost	Owner Asked
389	13	47	Elizabeth Oler.....	5,993	\$1,798.00		\$46.40	\$16.88			\$1,861.28	C.V.
390	13	49	Isidor Alschwang.....	5,498	1,649.00		42.56	16.88			1,708.44	\$2,500.00
391	13	63	Jos. A. Liebler.....	6,650	865.00		22.61	19.70			907.31	C.V.
392	13	93	Philip Johnson.....	4,210	842.00		22.01	14.06			878.07	C.V.
393	13	98	Maria Nelson.....	2,135	513.00		13.49	8.44			534.93	1,000.00
394	14	8	Mary A. McCormick.....	1,200.00	1,200.00		31.16	16.88			1,248.01	C.V.
395	14	42	Nannie L. Alexander.....	5,490	1,000.00		25.97	14.06			1,040.03	1,950.00
396	15	18	Emil M. Marz.....	5,500	1,000.00		60.65	38.09			2,428.94	4,500.00
397	15	9	Edna E. Earle.....	5,000	250.00	\$2,100.00	24.94	18.29			10,283.02	C.V.
398	23	11	Scarsdale Estates.....	68,084	10,000.00		132.44	23.44		\$17.86	5,544.74	C.V.
399	24	50	Vito Aiello.....	2,488	871.00	4,500.00	78.91				3,236.91	4,000.00
400	25	3	John Manganello.....	15,454	1,058.00	2,100.00	113.43	22.42		1.70	4,737.55	8,000.00
401	25	6	Salvatore Falsarano.....	25,098	1,914.00	2,686.00	46.27	6.75			1,846.02	4,500.00
402	25	15	Samuel Marano.....	5,942	1,793.00		43.38	13.44			1,737.82	C.V.
403	25	16	Mary B. Robertson.....	4,604	1,381.00	300.00	94.32			1.67	3,895.99	5,000.00
404	25	17	Albert Martinello.....	3,913	1,174.00	2,626.00	146.96				6,146.96	16,000.00
405	25	26	Henry F. Leggo.....	5,365	1,400.00	4,600.00	117.12	17.10		2.23	4,886.45	10,000.00
406	25	63	Nunziato Zito.....	5,612	1,500.00	3,250.00	19.07				744.07	1,000.00
†	26	16	John A. Walsh.....	17,500	725.00		31.17	2.98			1,248.01	1,500.00
408	28	27	Frank Storey.....	20,684	1,200.00		23.65	1.14			1,500.00	500.00
409	28	27	John Melitt.....	10,338	830.00		23.25				1,500.00	2,800.00
410	28	37	Geo. Ringler Co.....	10,570	890.00		307.73				914.20	2,800.00
411	28	43	Archie Fisher.....	15,072	1,507.50	10,492.50	18.41	1.04		45.00W.R.	12,352.73	15,000.00
412	29	11	Archie Giblin.....	14,001	700.00		14.99	1.39			578.23	1,250.00
413	29	21	Alfred Beckman.....	11,394	561.85		9.41	1.04			350.60	750.000
414	29	22	Arnes L. Bolger.....	6,949	341.15		22.97	1.75			903.72	1,100.00
415	29	24	Hitchcock Estates.....	17,576	879.00		96.30	4.20			3,980.50	4,800.00
416	30	11, 18	New York & West. Imp. Co.....	41,293	3,880.00		5.48				207.48	C.V.
†	30	37	William F. Hall.....	10,111	202.00		7.81	1.22			297.03	2,500.00
418	30	42	Henry C. Heuman.....	14,387	288.00		23.08				1,080.07	2,500.00
419	1	1	Matthew Creggan.....	2,500	1,000.00	5,928.00	206.04	60.95	\$8.99		9,834.99	12,000.00
420	1	79	Jules Rochat.....	8,534	3,500.00		217.50	70.93	140.60		10,456.84	15,000.00
421	1	80	Emile Flaurand.....	8,883	3,730.81	6,297.00	17.45	8.99			814.44	C.V.
422	4	27	Mattie Hegt.....	6,090	651.00		75.93	39.82			3,615.77	5,000.00
423	5	11	Bridget F. Rooney.....	2,010	920.00		34.76	19.91			1,644.67	2,500.00
424	7	3	Robert T. Crossen.....	24,785	3,400.00							
425	7	4	William Lichtensfels.....	5,736	1,590.00							
426	7	5	John Richmond and E. Daniel Miner.....	5,608	1,402.00		30.65	19.91			1,452.56	2,000.00

†Warrant issued, but title not closed.

ACQUISITION OF LANDS—Continued AS OF JUNE 30, 1916

Schedule E—Con

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assessments	Special	Total Cost	Owner Asked
427	9	8	Wm. John Ford, et al.	2,541	\$933.00		\$21.16	\$9.96			\$964.12	C.V.
428	9	13	Mary McCarthy, as Exec.	2,500	600.00		13.32	7.10			620.42	C.V.
429	9	50, 75 & 58	Graman Building Co.	7,426	1,485.00		32.47	12.87			1,530.34	C.V.
430	10	5	Harris Dressler	2,075	700.00		15.53	8.40			723.93	C.V.
431	10	8	George Dressler	3,113	1,050.00		23.13	12.66			1,065.79	C.V.
432	10	12	Susel Dressler, et al.	2,519	610.00		13.54				623.54	C.V.
433	10	24	Theresa Absolon	7,500	2,250.00	\$5,750.00	172.27				8,172.27	16,000.00
434	10	31	Sophie Berkowitz	3,162	632.00		14.03	8.53			654.56	C.V.
435	10	45	Minnie Cella	2,305	692.00		15.36	2.45			709.81	C.V.
436	10	87	Chas. W. Hemerle	2,470	544.00		12.07				556.07	C.V.
437	10	92	Katie Connors	4,620	832.00		18.33				850.33	C.V.
438	11	17	Michael Collins	5,000	1,500.00	2,300.00	82.46	27.02		\$1.00	3,910.48	7,000.00
439	12	40	William Clemett	12,039	3,364.00		16.31	59.73			3,440.31	C.V.
440	12	42	Victoria Hajos	17,526	2,290.00		16.33			6.42	2,445.36	16,000.00
441	14	38	Saac Hanes	17,526	2,290.00		16.33				2,445.36	C.V.
442	14	47	Andre Max Fox	8,010	2,500.00		258.27	99.53	\$858.00	16.69	12,832.49	12,950.00
443	14	54	Andre Maxim	4,464	864.00	9,100.00	19.03				883.03	1,000.00
444	13	91 (part)	Catherine Hill	9,678	1,354.00		29.60	5.69			1,389.29	C.V.
445	15	1, 5	Johanna Tuck Birkins	14,614	756.00		16.78	20.75			793.53	1,050.00
446	14	51, 41	Geo. W. Powers	13,707	710.00		15.44	22.72			748.16	1,100.00
447	25	5	John Manganello	15,434	1,086.00	2,914.00	86.80	37.63			4,124.43	8,000.00
448	25	9	Domenick De Salvo	17,257	1,147.00	3,453.00	99.81	16.78			4,716.59	10,000.00
449	28	4, 6, 11, 22, 26, 40, etc.	North White Plains Land Co.	836,932	54,000.00	4,000.00	1,248.99				59,248.99	86,988.00
450	28	20	Horace Bassett	13,440	616.00		13.67				629.67	800.00
451	28	41	Adelbert Reynolds	10,017	1,002.00	750.00	38.02				1,790.02	4,000.00
452	29	13	M. Fiorello & A. Cordolone	30,622	1,224.00		26.76				1,250.76	C.V.
453	25	1, 65	Estate of Margaret Fraser	43,868	3,241.00		70.33				3,311.33	C.V.
454	30	30	Mary A. Bloom	2,108	433.00		4.98	.33			44.31	1,000.00
455	30	7	Patrick Burns, et al.	29,414	2,063.00		48.00				2,105.00	C.V.
456	30	40	Harold D. Watson	29,312	906.00		5.12				205.42	C.V.
457	10	106	Leo J. Cassek	7,553	755.00		18.87				773.87	C.V.
458	1	27	N. Y. Trust Co. and Jennie P. Childs	4,699	752.00		21.33				773.33	C.V.
459	1	76	Margaret J. Franklin, et al.	8,920	3,746.42	1,750.00	96.71	126.58			5,719.71	9,500.00
460	5	9	Annie Flood	10,020	1,800.00		42.54				1,542.54	3,000.00
461	7	7, 56	Westchester Lighting Co.	14,695	1,870.00		34.03				1,904.03	C.V.
462	10	81, 100	John Benzur	4,660	623.00	85.00	12.99				720.99	3,300.00

† Warrant issued, but title not closed.

ACQUISITION OF LANDS—Continued
AS OF JUNE 30, 1916

Schedule E—Con.

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assess-ments	*Special	Total Cost	Owner Asked
463	10	95	Helena W. Robinson.....	3,060	\$634.00	3,900.00	\$18.08	.....	.....	.....	\$652.08	\$1,200.00
464	12	51	Samuel Horton.....	13,874	5,600.00	.....	161.97	.....	.....	.....	9,661.97	25,000.00
465	14	46	August A. Miles.....	4,662	1,521.90	.....	42.83	.....	.....	.....	1,564.73	1,600.00
466	24	45	Leander W. Hopkins.....	7,318	5,016.00	2,984.00	136.39	.....	.....	.....	8,136.39	12,000.00
467	24	25	Cornelius Smith.....	98,707	21,000.00	.....	358.03	.....	.....	.....	21,358.03	41,138.00
468	24	18	Nicola Iaquinto.....	8,728	2,182.00	.....	91.16	.....	.....	.....	3,441.16	6,000.00
469	24	15	Antonio Annunzio.....	18,200	2,368.00	.....	123.35	.....	.....	.....	2,491.35	8,000.00
470	25	12	E. E. Richards.....	24,088	2,356.00	.....	215.13	.....	.....	.....	2,571.13	9,000.00
471	25	44	Vito Iozzi.....	7,404	1,236.00	5,114.00	172.80	.....	.....	.....	1,408.80	3,000.00
472	25	62	Maddalena Rasvaro.....	25,624	3,477.00	1,400.00	83.95	.....	.....	.....	4,960.95	12,000.00
473	28	3	John H. G. Raschar, et al.....	21,997	1,322.00	.....	24.27	.....	.....	.....	1,346.27	C.V.
474	28	5	Joseph E. Hoffman.....	6,062	416.00	.....	11.87	.....	.....	.....	427.87	600.00
475	28	10	Joseph E. Hoffman.....	2,500	150.00	2,008.00	4.28	.....	.....	.....	154.28	1,000.00
476	28	38	Walter A. Gately.....	2,421	242.00	.....	63.44	.....	.....	.....	2,313.44	3,000.00
477	29	34	Charlotte L. Russell.....	6,250	250.00	.....	7.13	.....	.....	.....	257.13	C.V.
478	3	2	Sarah J. Johnston.....	4,244	1,358.00	3,100.00	45.28	.....	.....	.....	2,556.28	6,900.00
479	3	14	Anton Zelinka.....	3,299	791.50	.....	71.87	.....	.....	.....	4,057.87	C.V.
480	5	58	Cleveland De. V. Manville.....	18,635	1,638.00	.....	27.92	.....	.....	.....	1,665.92	C.V.
481	10	14	Anthony Laura.....	5,850	1,830.00	.....	31.20	.....	.....	.....	1,861.20	2,100.00
482	10	38	Henry C. Scheer.....	2,500	414.00	.....	7.05	.....	.....	.....	421.05	1,000.00
483	10	93	John Kessner.....	5,233	650.00	.....	13.08	.....	.....	.....	661.08	C.V.
484	11	47	Kate Rick Williams.....	5,233	650.00	1,186.00	43.36	.....	.....	.....	2,613.28	3,500.00
485	13	15	Mary Fritz.....	12,583	10,550.00	21,450.00	540.53	.....	.....	.....	32,510.53	3,500.00
486	13	16	Estate of Mat. Monaghan.....	4,514	1,129.00	1,396.00	45.53	.....	.....	.....	2,570.53	3,500.00
487	13	108	John Rescorl.....	4,586	1,297.00	1,050.00	42.33	.....	.....	.....	2,389.33	5,000.00
488	13	108	John Rescorl.....	527	140.00	.....	2.38	.....	.....	.....	142.38	250.00
489	14	62	Henry E. Mesker.....	9,173	1,468.00	.....	25.02	.....	.....	.....	1,493.02	C.V.
490	23	19	William V. Horton.....	14,156	100.00	.....	1.70	.....	.....	.....	101.70	C.V.
491	23	33	Anna Tobin.....	28,550	3,426.00	500.00	70.80	.....	.....	.....	3,996.80	9,000.00
492	24	5	Church of Our Lady of Mount Carmel.....	9,098	5,040.00	11,500.00	279.27	.....	.....	.....	16,819.27	30,000.00
493	24	8	John H. Harmon.....	11,550	5,310.00	9,000.00	241.63	.....	.....	.....	14,551.63	20,000.00
494	24	17	Oneto Wecker.....	8,975	2,647.00	2,129.00	86.12	.....	.....	.....	4,862.12	10,000.00
495	24	40	Donato Nannariello.....	5,650	1,320.00	14,300.00	263.74	.....	.....	.....	15,883.74	27,000.00
496	24	40	Thomas Conroy.....	2,742	2,600.00	2,520.00	92.33	.....	.....	.....	5,212.33	10,000.00
497	25	47	Salvatore Galliano.....	20,776	3,646.00	2,400.00	102.95	.....	.....	.....	6,146.05	6,958.00
498	24	60	John O'Neill.....	14,976	1,645.00	3,500.00	86.87	.....	.....	.....	5,231.87	9,442.00
TOTAL.....				17,831,420	\$2,764,778.56	\$821,494.35	\$92,591.78	\$12,716.21	\$81,239.24	\$44,580.82	\$3,817,400.96	

* Includes cost for machinery, equipment, water rent and sundry items.
C. V. represents those owners who offered their lands in accordance with the Commission Standard Values.

ACQUISITION OF LAND—Continued

AS OF JUNE 30, 1916

THE FOLLOWING CONTRACTS, FOR WHICH WARRANTS HAVE BEEN ISSUED,
FAILED TO CLOSE ON OR BEFORE JUNE 30, 1916

Schedule E—Con.

Deed No.	Sheet	Parcel	Grantor	Area Sq. Ft.	Land	Building	Interest	Taxes	Assessments	Special	Total Cost	Owner Asked
			TOTAL BROUGHT FORWARD	17,831,420	\$2,764,778.56	\$821,494.35	\$92,591.78	\$12,716.21	\$81,239.24	\$44,580.82	\$3,817,400.96	
312	14	65	Lucy Silano.....	2,500	\$410.00	.....	\$15.91	.....	.....	.....	\$425.91	.....
364	8	26, 27	Graman Building Co.....	14,022	1,242.00	.....	31.85	.....	.....	.....	1,273.85	.....
407	26	16	John A. Walsh.....	17,500	725.00	.....	19.07	.....	.....	.....	744.07	.....
417	30	37	William F. Hall.....	10,111	202.00	.....	5.48	.....	.....	.....	207.48	.....
432	10	12	Susel Dressner, et al.....	2,519	610.00	.....	13.54	.....	.....	.....	623.54	.....
455	25	7	Patrick Burns, et al.....	29,031	2,053.00	.....	48.60	.....	.....	.....	2,101.60	.....
456	30	40	Harold D. Watson.....	9,312	200.00	.....	5.42	.....	.....	.....	205.42	.....
457	10	106	Leo J. Cusick.....	7,553	755.00	.....	18.87	.....	.....	.....	773.87	.....
458	1	27	N. Y. Trust Co. and Jennie P. Childs.....	4,699	752.00	.....	21.33	.....	.....	.....	773.33	.....
			TOTAL.....	97,247	\$6,949.00	.....	\$180.07	.....	.....	.....	\$7,129.07	.....
			Total land to which title has been taken as of June 30, 1916.....	17,734,173	\$2,757,829.56	\$821,494.35	\$92,411.71	\$12,716.21	\$81,239.24	\$44,580.82	\$3,810,271.89	.....



RECREATION IN THE PARKWAY

INDEX

REPORTS:

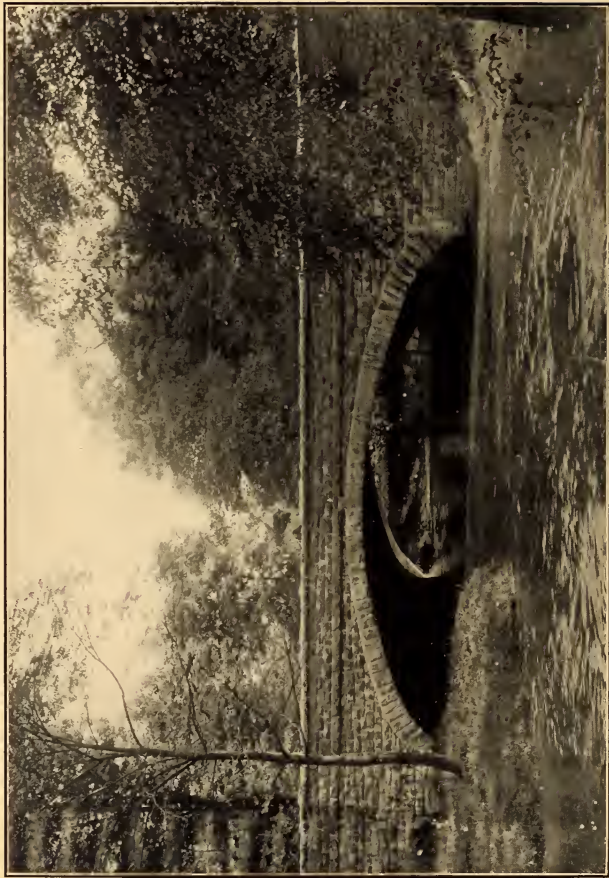
COMMISSION	7
ENGINEER AND SECRETARY	71
CONSULTING LANDSCAPE ARCHITECT	77
LAW DEPARTMENT	85
PARKWAY LAW	121

TABLES:

A. LANDS ACQUIRED AND UNDER CONTRACT, JUNE 30, 1915	113
B. COST OF LAW WORK, JUNE 30, 1915	113
C. LANDS ACQUIRED AND UNDER CONTRACT, JUNE 30, 1916	114
D. COST OF LAW WORK, ETC., JUNE 30, 1916	115
E. NUMBER OF PARCELS PURCHASED OR TO BE CONDEMNED	116
F. PROGRESS OF CONDEMNATION PROCEEDINGS	117
G. PARCELS OF LAND CONDEMNED	118

SCHEDULES:

A. RECEIPTS	133
B. TREASURER'S REPORT	134
C. FUNDS	135
D. DISBURSEMENTS	136
E. ACQUISITION OF LANDS	137



CLEAN AND PURE
Flowing on into the Lake and Lagoons of the New York Botanical Gardens and Zoological Park



